



Dallas City Council Agenda

Mayor Brian Dalton, Presiding

Monday, January 3, 2022

7:00 pm

You may attend this meeting digitally by clicking the link below and downloading the ZOOM app, or you can join the meeting by phone by calling the phone number listed below and entering the meeting ID when prompted. All testimony is electronically recorded.

Join Zoom Meeting: <https://zoom.us/j/2138550622>

Dial by phone: +1 408 638 0968

Meeting ID: 213 855 0622

AGENDA ITEM

RECOMMENDED ACTION

1. ROLL CALL, PLEDGE OF ALLEGIANCE

2. INTRODUCTIONS, RECOGNITION, PROCLAMATIONS

3. PUBLIC COMMENT

*This time is provided for citizens to comment on municipal issues and any agenda items other than public hearings. **All written testimony must be submitted to the City Recorder three days prior to the council meeting.***

4. CONSENT AGENDA p. 3

The following items are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member so requests, in which case the item will be removed from the Consent Agenda and considered separately.

- a) Acknowledge November 18, 2021 EDC Minutes
- b) Approve December 6, 2021 Council Workshop Minutes
- c) Approve December 6, 2021 Council Business Meeting Minutes
- d) Acknowledge December 7, 2021 Dallas Parks and Recreation District Formation Committee Meeting Minutes
- e) Recommend Approval OLCC application for Two Wolves Taproom LLC

Motion

Our Motto: Come Thrive With Us, We Invest in People and Business

COUNCIL

Mayor

Brian Dalton

Council President

Michael Schilling

Councilor

Larry Briggs

Councilor

Kirsten Collins

Councilor

Terry Crawford

Councilor

Kim Fitzgerald

Councilor

Bill Hahn

Councilor

Rod Dunham

Councilor

Paul Trahan

Councilor

Ken Woods, Jr.

CITY STAFF

City Manager

Brian Latta

Asst. City Manager

Emily Gagner

City Attorney

Lane Shetterly

City Recorder

Sam Kaufmann

Fire Chief

Todd Brumfield

Police Chief

Tom Simpson

Economic & Community Development Director

Charlie Mitchell

Public Works Director

Gary Marks

Library Director

Mark Johnson

Finance Director

Cecilia Ward



Dallas City Council Agenda

Monday, January 3, 2022
7:00 pm

<p>5. ITEMS REMOVED FROM CONSENT AGENDA</p>	
<p>6. REPORTS OR COMMENTS FROM MAYOR AND COUNCIL MEMBERS</p>	
<p>7. REPORTS FROM CITY MANAGER AND STAFF</p> <ul style="list-style-type: none"> a) Advisory Committee Appointments p. 17 b) Dallas Animal Control Program p. 39 	<p>Motion</p> <p>Motion</p>
<p>8. FIRST READING OF ORDINANCES p. 53</p> <ul style="list-style-type: none"> a) ORDINANCE 1864 – An Ordinance repealing Chapter 2.7 of the Dallas Development Code relating to flood hazard regulations and adopting new provisions in place thereof; and repealing prior conflicting ordinances. b) ORDINANCE 1865 – An Ordinance amending Sections 2.3.030 and 6.1.030 of the Dallas Development Code, relating to Development Standards for buildings in the Central Business District. c) ORDINANCE 1866 – An Ordinance amending Section 4.1.020 of the Dallas Development Code, relating to Type I application referrals. 	<p>N/A</p>
<p>9. SECOND READING OF ORDINANCES p. 88</p> <ul style="list-style-type: none"> d) ORDINANCE 1863 - An Ordinance establishing uniform commencement and ending dates for terms for members of boards and commissions. 	<p>Roll Call Vote</p>
<p>10. EXECUTIVE SESSION p. 90</p> <p style="padding-left: 40px;">The executive session is held pursuant to ORS 192.660(2)(e) To conduct deliberations with persons designated by the governing body to negotiate real property transactions</p>	
<p>11. OTHER BUSINESS</p>	
<p>12. ADJOURNMENT</p>	



CITY OF DALLAS
Economic Development Commission
Via Zoom meeting
Thursday, November 18, 2021- 12:00 p.m.

1

MINUTES - DRAFT

2

Members Present: Diana Knous, Bob Tucker, Erik Andersson, Gerard Graveline
Brandon Schmidgall

3

4

5

Members Absent: Rita Grady, Craig Pope

6

7

Others Present: Mayor Brian Dalton, Peter Cairns

8

Staff present: Economic and Community Development Director Charlie Mitchell, and

9

Recording Secretary Margie Pearce.

10 **CALL TO ORDER:**

11 Chair Gerard Graveline meeting at 12:01 pm.

12

13 **2) Staff Update:**

14 Mr. Charlie Mitchell brought the commission up to date on the:

15

- EDC Strategy-Council adopted

16

- Asentec-closed on the building

17

- RFQ- sent out South Dallas URD requests

18

- ARPA funds-17 projects funneled through the Economic Department. City has 3.8 Million to spend. The City Council will chose the recipients

19

20

- Carnegie Building – Local investor Don Sheeley is in talks to buy the building

21

- Mint Valley- still working on financing

22

- Shop Local Cards- Independence , Monmouth, and Dallas are participating

23

- Fred Tebb & Sons- thinking about expanding

24

25 **3) Commission Comments**

26 There were none

27

28 **4) 2021 Year in Review**

29 Commissioner Graveline – Got a new EDC Strategic Plan adopted

30 Commissioner Bob Tucker – Started the ball rolling on Industrial Sites

31 Commissioner Diana Knous – Asentec moving to town

32

33 **5) 2022 Work Plan/future agenda items**

34

- ❖ Commissioner Erik Andersson – continuing all of 2021 plans

35

- ❖ Commissioner Tucker – Commitment to a Parks and Recreation District

- 36 ❖ Mr. Charlie Mitchell – start ARPA projects
- 37 ❖ Commissioner Andersson – South Salem URD and business park
- 38 ❖ Commissioner Brandon Schmidgall – West Valley Hospital working on a multi-year
- 39 project
- 40 ❖ Mr. Mitchell – Mint Valley Paper, Homegrown projects that need to expand.
- 41
- 42
- 43
- 44 The meeting adjourned at 12:48 pm.

DALLAS CITY COUNCIL WORKSHOP
MINUTES

Monday, December 6, 2021
Dallas City Hall

- 1 Mayor Dalton called the Council Workshop to order on Monday December 6, 2021, at 6:00 PM.
- 2 **COUNCIL MEMBERS PRESENT:** Councilor Larry Briggs Councilor Rod Dunham, Councilor
3 Terry Crawford, Councilor Paul Trahan, Councilor Kirsten Collins, Councilor Bill Hahn,
4 Councilor Kim Fitzgerald, and Councilor Ken Woods Jr.
- 5 **COUNCIL MEMBERS EXCUSED:** Council President Michael Schilling,
- 6 **ALSO PRESENT WERE:** City Manager Brian Latta, Assistant City Manager Emily Gagner,
7 City Attorney Lane Shetterly, Finance Director Cecilia Ward, Police Chief Tom Simpson, Fire
8 Chief Todd Brumfield, Library Director Mark Greenhalgh-Johnson, Public Works Director Gary
9 Marks and City Recorder Sam Kaufmann
- 10 **DALLAS PUBLIC LIBRARY ANNUAL REPORT**
- 11 Mark Greenhalgh-Johnson presented his annual report on the Dallas Public Library.
- 12 **MANDATORY REPORTER TRAINING**
- 13 The council watched a training video on their obligations as Mandatory Reporters.
- 14 **ADJOURNMENT: 7:00 PM**

These minutes are supplemented by electronic recordings of the meeting, which may be reviewed upon request to the City Recorder. Audio files from City Council meetings can be found online at <http://www.dallasor.gov/archive> under the corresponding agenda date. Staff reports, resolutions, ordinances, and other documents related to this meeting are also available at that site in the “Council Agendas” archive.

DALLAS CITY COUNCIL	Monday, December 6, 2021
The Dallas City Council met in regular session on Monday, December 6, 2021, at 7:00 PM in the council chambers in Dallas City Hall.	
Council Members Present:	
Councilor Larry Briggs, Councilor Kirsten Collins, Councilor Terry Crawford, Councilor Rod Dunham, Councilor Bill Hahn, Councilor Paul Trahan, Councilor Kim Fitzgerald and Councilor Ken Woods, Jr.	
Councilors Excused: Councilor Michael Schilling	
Staff:	
Also present were: City Manager Brian Latta, Assistant City Manager, Emily Gagner, City Attorney Lane Shetterly, Public Works Director Gary Marks, Deputy Police Chief Tom Simpson, Fire Chief Todd Brumfield, Finance Director Cecilia Ward, Library Director Mark Greenhalgh-Johnson and City Recorder Sam Kaufmann	

AGENDA	ACTION
00:02:15 INTRODUCTIONS, RECOGNITION, PROCLAMATIONS	Police Chief Tom Simpson swore in Officer Carl Dorman.
a) PUBLIC HEARING FOR RIGHT-OF-WAY VACATION OF NE AUBURN AVENUE (FORMERLY FIRST STREET)	<p>Mayor Dalton opened the public hearing at 7:04 PM.</p> <p>Mayor asked for conflicts of interest. There were none.</p> <p>Chase Ballew presented his staff report.</p> <p>Mayor Dalton asked for questions from the council to staff.</p> <p>Councilor Collins asked what happens if the property is sold sometime in the future. Brian Latta replied the agreement is allocated to the land and anyone purchasing the property would be aware of their obligations.</p> <p>Councilor Briggs asked what happens to the municipal utilities after the right-of-way is vacated. Mr. Ballew replied the city retains the easements.</p> <p>Randy Iott, 683 NW Jasper, Dallas OR, testified as the applicant. Mr. Iott mentioned he’s opening a large commercial establishment and the street vacation would provide space for a parking lot.</p> <p>Mayor Dalton closed the public hearing at 7:16 PM</p> <p>It was moved by Councilor Briggs to approve the right-of-way vacation petition and direct staff to draft an ordinance effecting the right-of-way vacation. The motion was duly seconded by Councilor Hahn and CARRIED with a vote of 8-0 with Councilors Briggs,</p>

	Collins, Crawford, Dunham, Fitzgerald, Trahan, Hahn and Woods voting YES.
<p>a) DEVELOPMENT CODE UPDATE – FLOODPLAIN, CBD, TYPE 1 PROCEDURE</p>	<p>Mayor Dalton opened the public hearing at 7:18PM.</p> <p>Brian Latta presented his staff report.</p> <p>Councilor Woods felt the current code language may negatively impact economic development.</p> <p>Economic and Community Development Director, Charlie Mitchell felt the code change would not erode density and was in support of one story buildings.</p> <p>Mayor Dalton closed the public hearing at 7:49 PM</p> <p>It was moved by Councilor Briggs to include amendments from DLCD for chapter 2.7 and direct the city attorney to prepare an Ordinance. The motion was duly seconded by Councilor Dunham and CARRIED with Councilors Briggs, Collins, Dunham Crawford, Fitzgerald, Hahn and Woods voting YES and Councilor Trahan voting NO.</p> <p>It was moved by Councilor Woods to approve the legislative amendments to section 2.3020 and modify section 2.3120 to have the area only include Court Street, Mill Street, Jefferson Street and Main Street. The motion was duly seconded by Councilor Briggs and CARRIED with a vote of 8-0 with Councilors Briggs, Collins, Dunham, Crawford, Fitzgerald, Trahan, Hahn and Woods voting YES.</p> <p>It was moved by Councilor Hahn to approve the legislative amendments to section 4.1.020. The motion was duly seconded by Councilor Dunham and CARRIED with a vote of 8-0 with Councilors Briggs, Collins, Dunham, Crawford, Fitzgerald, Trahan, Hahn and Woods voting YES.</p>
<p>00:59:35 PUBLIC COMMENT</p>	<p>Ann Hurd commented the Christmas lighting celebration at the city park was a big hit. Ms. Hurd also mentioned the Friends of Dallas Aquatic Center helped the city purchase new fire alarms for the Aquatic Center.</p> <p>Amanda Warren, spoke in opposition to itinerant merchant permit fees.</p> <p>Jeff Yost commented he’s concerned about the current traffic situation at Lyle elementary school.</p>
<p>01:15:40 CONSENT AGENDA</p>	
<p>a) Approve November 15, 2021 Council Meeting Minutes</p> <p>b) Acknowledge November 29, 2021 Public Administration Committee Meeting</p> <p>c) Acknowledge October Financial Report</p> <p>d) Cancel December 20, 2021 City</p>	<p>It was moved by Councilor Trahan to approve the Consent Agenda as presented. The motion was duly seconded by Councilor Hahn and CARRIED with a vote of 8-0 with Councilors Briggs, Collins, Dunham Crawford, Fitzgerald, Trahan, Hahn and Woods voting YES.</p>

Council Meeting	
01:17:20 REPORTS OR COMMENTS FROM THE MAYOR AND COUNCIL MEMBERS	
<p>Brian Latta mentioned city staff has initiated an engineering review which is required to signalize the Lyle and Ellendale intersection near Lyle Elementary School. Mr. Latta said he's aware a short term solution is needed and he's working with the school to possibly use their ballfields as queuing area.</p>	
01:25:05 REPORTS FROM CITY MANAGER AND STAFF	
a) REPUBLIC SERVICES RATE DISCUSSION	<p>Brian Latta presented his staff report on the proposed 2022 Republic Services fee schedule.</p> <p>Julie Jackson from Republic Services, presented her report on the proposed changes for 2022.</p>
<p>Brian Latta responded to Amanda Warren's question regarding itinerant merchant fees and mentioned the council may remove itinerant fees if they wish to do so.</p>	
b) CLAY STREET RESERVOIR LEAK REPAIR AND COVER REPLACEMENT	<p>Gary Marks updated the council on the Clay Street reservoir leak.</p>
c) RENT BURDENED CITY PUBLIC MEETING	<p>Brian Latta presented his staff report on rent burdened city status.</p>
d) LIBRARY FINES	<p>Mark Greenhalgh-Johnson presented his staff report on eliminating overdue fines at the Dallas Public Library.</p> <p>It was moved by Councilor Woods to approve eliminating overdue library fines and direct the city attorney to draft a resolution repealing Resolution No. 3030. The motion was duly seconded by Councilor Trahan and CARRIED with a vote of 8-0 with Councilors Briggs, Collins, Dunham, Crawford, Fitzgerald, Trahan, Hahn and Woods voting YES.</p>
<p>Brian Latta asked the council if they're interested in submitting a letter of intent to the Oregon Legislature regarding homelessness in rural Polk county. The council was in support of Mr. Latta's letter of intent.</p>	
02:21:02 RESOLUTIONS	
a) RESOLUTION 3474 - A RESOLUTION APPROVING CHANGES IN RATES FOR REFUSE AND RECYCLING COLLECTION SERVICE AND RELATED SERVICES, AND REPEALING RESOLUTION NO. 3450.	<p>Brian Latta presented his staff report on Resolution 3474.</p> <p>A roll call vote was taken and Mayor Dalton declared Resolution 3474 to have PASSED with a vote of 8-0 with Councilors Briggs, Collins, Dunham, Crawford, Fitzgerald, Trahan, Hahn and Woods voting YES.</p>
02:24:10 FIRST READING OF ORDINANCES	

<p>a) ORDINANCE 1863 - AN ORDINANCE ESTABLISHING UNIFORM COMMENCEMENT AND ENDING DATES FOR TERMS FOR MEMBERS OF BOARDS AND COMMISSIONS.</p>	<p>Mayor Dalton declared Ordinance 1863 to have passed its first reading.</p>
<p>02:24:05 SECOND READING OF ORDINANCES</p>	
<p>a) ORDINANCE 1862 - AN ORDINANCE AMENDING SECTIONS 6.605 AND 6.610 OF THE DALLAS CITY CODE RELATING TO THE PARKING OF RECREATIONAL VEHICLES.</p>	<p>Mayor Dalton declared Ordinance 1862 to have passed its second reading. A roll call vote was taken and Mayor Dalton declared Ordinance 1862 to have PASSED with a vote of 8-0 with Councilors Briggs, Collins, Dunham, Crawford, Fitzgerald, Trahan, Hahn and Woods voting YES.</p>
<p>02:25:54 OTHER</p>	
<p>None.</p>	

<p>02:26:00 ADJOURNMENT</p>	<p>There being no further business, the meeting adjourned at 9:22 PM</p>
<p>Read and approved this _____ day of _____ 2021.</p> <p style="text-align: center;">_____</p> <p style="text-align: center;">Mayor</p> <p>ATTEST:</p> <p>_____</p> <p>City Manager</p>	

DALLAS PARKS AND RECREATION DISTRICT FORMATION COMMITTEE
MINUTES

Tuesday, December 7, 2021
Dallas City Hall

1 Brian Latta called the Dallas Parks and Recreation District Formation Committee to order on
2 Tuesday December 7, 2021, at 6:00 PM.

3 **COMMITTEE MEMBERS PRESENT:** Tyler Shockley, David Morelli, Micky Garus, Jason
4 Poulsen, Jennifer Welch, Denise Swanson, Michael Sunday.

5 **COMMITTEE MEMBERS EXCUSED:** Bob Tucker, Jon Woods

6 **ALSO PRESENT WERE:** City Manager Brian Latta, Mayor Brian Dalton, Public Works
7 Director Gary Marks and City Recorder Sam Kaufmann

8 **INTRODUCTION BY MAYOR DALTON**

9 Mayor Dalton introduced himself and described the City of Dallas Parks Department.

10 Members of the committee introduced themselves:

11 Micky Garus felt the district will promote economic development.

12 Mike Sunday felt parks and recreation is an asset that can stimulate the local economy.

13 Denise Swanson moved to Dallas from the east coast, her husband was previously employed by
14 the City of Dallas.

15 Jennifer Welch joined because the Dallas community is growing and wants to be part of the
16 change.

17 David Morelli felt Dallas has potential and knows people come from all around to use the Dallas
18 Aquatic Center.

19 Tyler Shockley moved to Dallas from Salem and felt parks and recreation can be streamlined in
20 order to utilize all resources.

21 Jason Poulson loves Dallas and felt the committee needs to focus on their sales pitch.


22 **REPORT BY CITY MANAGER BRIAN LATTA**

23 Brian Latta presented his staff report and laid out the framework for the advisory committee.

24 **ADJOURNMENT:** 7:10 PM



CITY OF DALLAS CITY COUNCIL STAFF REPORT

MEETING DATE: January 3, 2021
AGENDA ITEM NO. 4g
TOPIC: Recommend approval of OLCC application for Two Wolves Taproom LLC
PREPARED BY: Sam Kaufmann, City Recorder
APPROVED BY:  City Manager
ATTACHMENTS: Attachment A – Two Wolves Taproom LLC

RECOMMENDED ACTION:

Staff recommends approval of the OLCC application for Two Wolves Taproom LLC

BACKGROUND:

Two Wolves Taproom LLC has submitted a Liquor License Application for Full On-premises Commercial Sales.

Staff has reviewed the OLCC application, including a criminal background check, and have found no items of concern.

SUMMARY TIMELINE:

NA

FISCAL IMPACT:

NA

RECOMMENDED MOTION:

Approval of the consent agenda would recommend to the OLCC to approve the application.

DEC 22 2021



OREGON LIQUOR CONTROL COMMISSION

LIQUOR LICENSE APPLICATION

PRINT FORM

RESET FORM

1. Application. **Do not include** any OLCC fees with your application packet (the license fee will be collected at a later time). Application is being made for:

License Applied For:	CITY AND COUNTY USE ONLY
<input type="checkbox"/> Brewery 1 st Location	Date application received and/or date stamp: 12/21/2021
Brewery Additional location (2 nd) <input type="checkbox"/> (3 rd) <input type="checkbox"/>	
<input type="checkbox"/> Brewery-Public House (BPH) 1 st location	Name of City or County: _____
BPH Additional location (2 nd) <input type="checkbox"/> (3 rd) <input type="checkbox"/>	
<input type="checkbox"/> Distillery	Recommends this license be: <input type="checkbox"/> Granted <input type="checkbox"/> Denied
<input checked="" type="checkbox"/> Full On-Premises, Commercial	
<input type="checkbox"/> Full On-Premises, Caterer	By: _____
<input type="checkbox"/> Full On-Premises, Passenger Carrier	Date: _____
<input type="checkbox"/> Full On-Premises, Other Public Location	OLCC USE ONLY
<input type="checkbox"/> Full On-Premises, For Profit Private Club	
<input type="checkbox"/> Full On-Premises, Nonprofit Private Club	Date application received: _____
<input type="checkbox"/> Grower Sales Privilege (GSP) 1 st location	Date application accepted: _____
GSP Additional location (2 nd) <input type="checkbox"/> (3 rd) <input type="checkbox"/>	License Action(s): _____
<input type="checkbox"/> Limited On-Premises	
<input type="checkbox"/> Off-Premises	
<input type="checkbox"/> Warehouse	
<input type="checkbox"/> Wholesale Malt Beverage & Wine	
<input type="checkbox"/> Winery 1 st Location	
Winery Additional location (2 nd) <input type="checkbox"/> (3 rd) <input type="checkbox"/> (4 th) <input type="checkbox"/> (5 th) <input type="checkbox"/>	

2. Identify the applicant(s) applying for the license(s). **ENTITY (example: corporation or LLC) or INDIVIDUAL(S)**¹ applying for the license(s):

Two Wolves Taproom LLC _____
App #1: NAME OF ENTITY OR INDIVIDUAL APPLICANT App #2: NAME OF ENTITY OR INDIVIDUAL APPLICANT

App #3: NAME OF ENTITY OR INDIVIDUAL APPLICANT App #4: NAME OF ENTITY OR INDIVIDUAL APPLICANT

3. Trade Name of the Business (Name Customers Will See)
Two Wolves Taproom

4. Business Address (Number and Street Address of the Location that will have the liquor license)
171 SW Court St.

City <u>Dallas</u>	County <u>Polk</u>	Zip Code <u>97338</u>
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¹ Read the instructions on page 1 carefully. If an entity is applying for the license, list the name of the entity as an applicant. If an individual is applying as a sole proprietor (no entity), list the individual as an applicant.

MARK43 COPLINK
 eCOURT QWHD AD HOC

MARK43 COPLINK
 eCOURT QWHD AD HOC

By: Tyler Date 12/28/21
 OREGON LIQUOR CONTROL COMMISSION

By: Danielle Date 12/28/21



LIQUOR LICENSE APPLICATION

5. Trade Name of the Business (Name Customers Will See) <u>Two Wolves Taproom</u>			
6. Does the business address currently have an OLCC liquor license? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
7. Does the business address currently have an OLCC marijuana license? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
8. Mailing Address/PO Box, Number, Street, Rural Route (where the OLCC will send your license certificate, renewal application and other mailings as described in OAR 845-004-0065[1].) [REDACTED]			
City <u>Albany</u>		State <u>OR</u>	Zip Code <u>97321</u>
9. Phone Number of the Business Location [REDACTED]		10. Email Contact for this Application and for the Business [REDACTED]	
11. Contact Person for this Application <u>Tyler Genovese</u>			Phone Number [REDACTED]
Contact Person's Mailing Address (if different) [REDACTED]		City <u>Albany</u>	State <u>OR</u> Zip Code <u>97321</u>

Please note that liquor license applications are public records. A copy of the application will be posted on the OLCC website for a period of several weeks.

ATTESTATION: **READ CAREFULLY AND MAKE SURE YOU UNDERSTAND BEFORE SIGNING THIS FORM**

I understand that marijuana is prohibited on the licensed premises. This includes marijuana use, consumption, ingestion, inhalation, samples, give-away, sale, etc. I attest that all answers on all forms and documents, and all information provided to the OLCC as a part of this application are true and complete.

I affirm that I have read OAR 845-005-0311 and all individuals (sole proprietors) or entities with an ownership interest (other than waivable ownership interest per OAR 845-005-0311[6]) are listed as license applicants in #2 above. I understand that failure to list an individual or entity who has an unwaivable ownership interest in the business may result in denial of my license or the OLCC taking action against my license in the event that an undisclosed ownership interest is discovered after license issuance.

Applicant(s) Signature

- Each individual (sole proprietor) listed as an applicant must sign the application below.
- If an applicant is an entity, such as a corporation or LLC, at least one **INDIVIDUAL who is authorized to sign for the entity** must sign the application.
- An individual with the authority to sign on behalf of the applicant (such as the applicant's attorney or an individual with power of attorney) may sign the application. If an individual other than an applicant signs the application, please provide written proof of signature authority. Attorneys signing on behalf of applicants may list the state of bar licensure and bar number in lieu of written proof of authority from an applicant. **Applicants are still responsible for all information on this form.**

Tyler Genovese Tyler Genovese 11/4/21 _____
 App #1: (PRINT NAME) App #1: (SIGNATURE) App #1: Signature Date Atty. Bar Information (if applicable)

Danielle Genovese Danielle Genovese 11/4/2021 _____
 App #2: (PRINT NAME) App #2: (SIGNATURE) App #2: Signature Date Atty. Bar Information (if applicable)

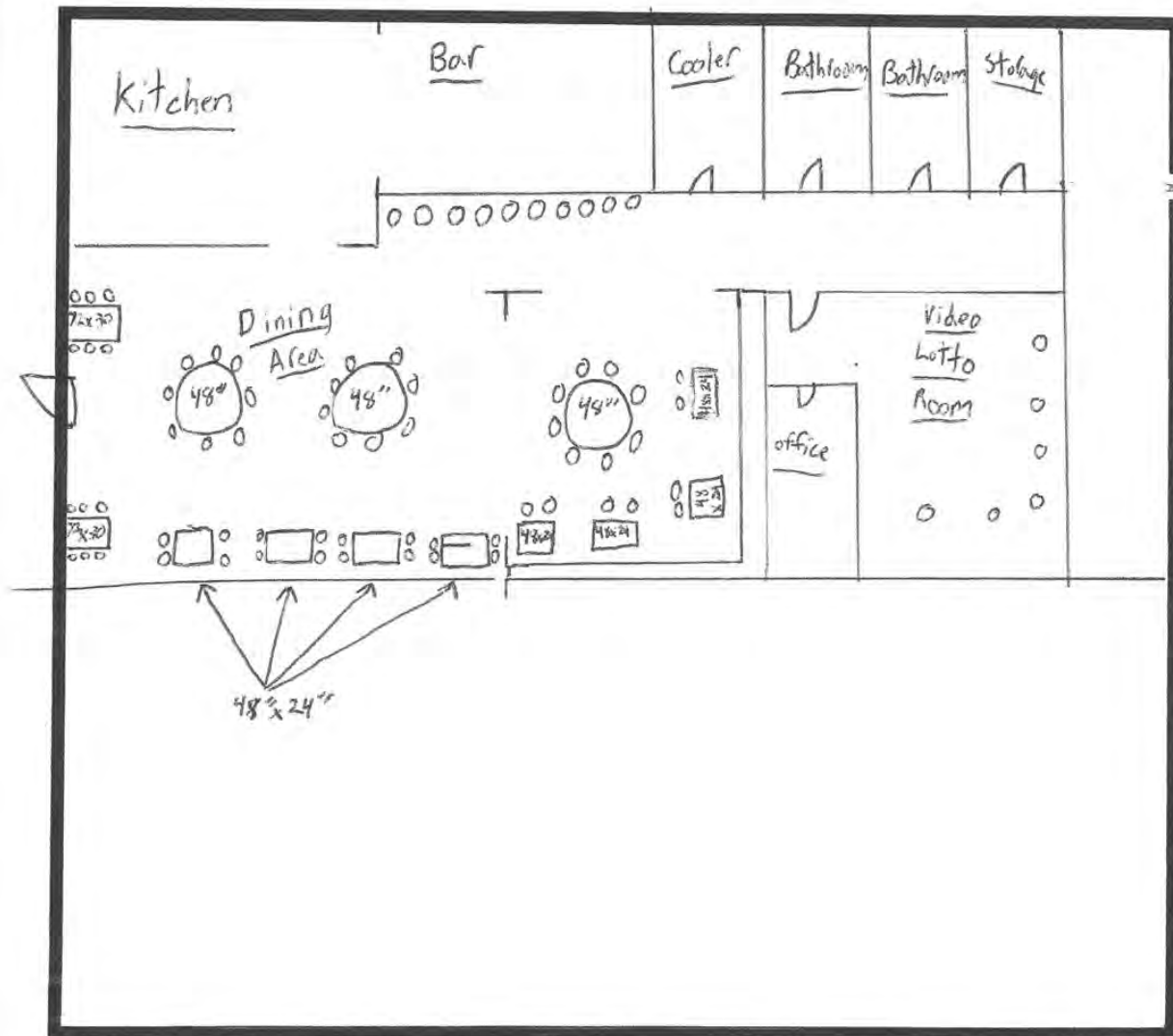
App #3: (PRINT NAME) App #3: (SIGNATURE) App #3: Signature Date Atty. Bar Information (if applicable)

App #4: (PRINT NAME) App #4: (SIGNATURE) App #4: Signature Date Atty. Bar Information (if applicable)



**OREGON LIQUOR CONTROL COMMISSION
FLOOR PLAN**

- **Your floor plan must be submitted on this form.**
- Use a separate Floor Plan Form for each level or floor of the building.
- The floor plan(s) must show the specific areas of your premises (e.g. dining area, bar, lounge, dance floor, video lottery room, kitchen, restrooms, outside patio and sidewalk cafe areas.)
- Include all tables and chairs (see example on back of this form). Include dimensions for each table if you are applying for a Full On-Premises Sales license.



Applicant Name
Two Wolves Taproom LLC

Trade Name (dba):
Two Wolves Taproom


City and ZIP Code
Dallas, 97338

.....OLCC USE ONLY.....
MINOR POSTING ASSIGNMENT(S)

Date: _____ Initials: _____

MEMO

TO: Brian Latta
CITY MANAGER

FROM: TOM SIMPSON 
CHIEF OF POLICE

RE: *Two Wolves Taproom LLC*
Full-On Premise Commercial
Location: 171 SW Court Street

DATE: December 28, 2021

This application is for Full-On Premise Commercial. The applicants, Tyler Genovese and Danielle Genovese are applying for a Full On-Premise Commercial liquor license.

A routine background check has been completed and has revealed no recent items of concern.



Sam Kaufmann <sam.kaufmann@dallasor.gov>

OLCC License

CHASE BALLEW <chase.ballew@dallasor.gov>
To: Sam Kaufmann <sam.kaufmann@dallasor.gov>

Wed, Dec 22, 2021 at 9:27 AM

This address is in the central business district, a zone which allows retail sales and service as an outright permitted use.
Chase Ballew, Planner
City of Dallas, Oregon

On Wed, Dec 22, 2021 at 9:14 AM Sam Kaufmann <sam.kaufmann@dallasor.gov> wrote:
Hi Chase,

Attached is an application for a new OLCC license. City Code requires the planning department verify the business complies with current zoning. Please let me know if this business is in compliance and if you have any comments or concerns.

Thanks!

Sam Kaufmann | *City Recorder/Executive Assistant* | 503-831-3502



CITY OF DALLAS CITY COUNCIL STAFF REPORT



MEETING DATE: January 3, 2021
AGENDA ITEM NO. 7a
TOPIC: Advisory Committee Appointments
PREPARED BY: Sam Kaufmann
APPROVED BY: *SK* City Manager
ATTACHMENTS: A – Completed Citizen Committee Interest Forms

RECOMMENDED ACTION:

Council approves Mayor-recommended appointment to Parks Advisory Board, and approves appointments to the Budget Committee and Planning Commission.

BACKGROUND:

The City Council has advisory committees, boards, and commissions and is responsible for appointing their members. The following are the current openings:

- Budget Committee – Three positions; terms expired December 2021 and one vacant position expiring December 2023
- Parks Advisory Board – One position expired December 2021 and one vacant position expiring December 2022.
- Planning Commission – Two positions; terms expired December 2021.

According to Dallas City Code, the City Council appoints individuals to these boards, commissions and committees. The City advertised for these positions during the month of November. Staff received twelve (12) citizen committee interest forms in response (**Attachment A**).

- Budget Committee:
 - Nancy Adams (Incumbent; Term expired 2021)
 - David Shein (Incumbent; Term expired 2021)
 - Kyle Bingham
 - Nicholas Peasley
 - Rich Spofford
 - Chuck Wells
- Parks Advisory Board:
 - Kyle Bingham

- Planning Commission:

- Tory Banford (Incumbent Term expired 2021)
- Carol Kowash (Incumbent; Term expired 2021)
- Kyle Bingham
- Rich Spofford

According to Dallas City Code, the Mayor recommends individuals for appointment to the Parks Advisory Board. Mayor Dalton recommends Kyle Bingham be appointed to the Parks Advisory Board. This will leave one vacancy on the board. Staff recommend filling the position with term expiring 2025.

For the Planning Commission and Budget Committee there are more applicants than position available. The City Council should review the applications and select individuals to fill the current vacancies.

FISCAL IMPACT:

N/A

RECOMMENDED MOTION:

1. I move to appoint Kyle Bingham to the Parks Advisory Board with a term expiring 2025.
2. I move to appoint [INSERT NAMES] to the Budget Committee with terms expiring 2024, and [INSERT NAME] to the Budget Committee with a term expiring 2023.
3. I move to appoint [INSERT NAMES] to the Planning Commission with terms expiring 2025.



Citizen Committee Interest Form

Official Use Only
Date Rec'd 12/16/21
Date Appl _____
BCC _____

Applicant's Name Nancy J. Adams

Complete Address [REDACTED] DALLAS, OR 97338

Complete Mailing Address ↑ NOTED AS ON PRIOR LINE

Phone [REDACTED]

Email [REDACTED]

Occupation and Employer Retired

Are you a Dallas resident? Yes No

- | | |
|--|--|
| <input checked="" type="checkbox"/> Budget Committee | <input type="checkbox"/> Parks Advisory Board / Tree Board |
| <input type="checkbox"/> Economic Development Commission | <input type="checkbox"/> Planning Commission |
| <input type="checkbox"/> Historic Landmarks Advisory Committee | <input checked="" type="checkbox"/> Urban Renewal District Advisory Committee |
| <input type="checkbox"/> Library Board | <input type="checkbox"/> Ad Hoc Committee (limited duration committee appointed by Council on a special topic) |

I am interested in being on a waiting list if there are no current vacancies on the committee(s) I selected.

Budget Committee members must be registered to vote in Oregon. If you would like to serve on the Budget Committee, are you registered to vote in Oregon? Yes No

Please write a brief narrative describing your interest, qualifications, and what you hope to accomplish in this position. If you need additional space, please attach as a separate document a resume or other information you feel would be helpful.

I have been active in the Dallas community for more than 30 years - I served on the EDC as chair for 20+ years currently a member of the URDAC and have served on the Budget Committee as chair & a member for 2 terms - Just finished my term.

Educational Background

High School graduate of Dallas High School

College OBE - now Western Ore Univ

Degree BS in Education

Please describe any previous Volunteer/Committee Experience

I had the opportunity to serve on the Dallas Area Chamber of Commerce Board as a member & President. Currently on the Board of Directors for Dallas Retirement Center; current president of PC Master Gardeners

Authorization Waiver

I have completed the above questions and to the best of my knowledge, what has been stated is true. If appointed, I agree to serve without reimbursement of any kind. I understand that I may be subject to a criminal records check. I further understand that irrespective of any criminal records check, the City of Dallas may decline my volunteer application or volunteer services at any time.

Applicant's Signature Nancy Adams

Date 12/16/2021

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Please return completed form to:
City Manager's Office
187 SE Court Street
Dallas, OR 97338
503-831-3502
sam.kaufmann@dallasor.gov

Educational Background

High School Sky View High

College Utah State University and University of Colorado

Degree BLA and MBA

Please describe any previous Volunteer/Committee Experience

Multiple terms on the Dallas Budget Committee, one term on Planning Commission, and one term on the Dallas Urban Renewal District Advisory Committee

Authorization Waiver

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Applicant's Signature Tory Banford

Digitally signed by Tory Banford
Date: 2021.11.16 18:02:13
-08'00'

Date November 16, 2021

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Dallas, OR 97338
503-831-3502
sam.kaufmann@dallasor.gov



Citizen Committee Interest Form

Official Use Only
Date Rec'd 11/7/21
Date Appl. _____
BCC _____

Applicant's Name **Kyle Douglas Bingham**

Complete Address _____, Dallas, OR, 97338

Complete Mailing Address _____

Phone _____

Email _____

Occupation and Employer **Judicial Clerk, Marion Co. Courthouse**

Are you a Dallas resident? Yes No

- | | |
|---|--|
| <input checked="" type="checkbox"/> Budget Committee | <input checked="" type="checkbox"/> Parks Advisory Board / Tree Board |
| <input checked="" type="checkbox"/> Economic Development Commission | <input checked="" type="checkbox"/> Planning Commission |
| <input type="checkbox"/> Historic Landmarks Advisory Committee | <input type="checkbox"/> Urban Renewal District Advisory Committee |
| <input type="checkbox"/> Library Board | <input type="checkbox"/> Ad Hoc Committee (limited duration committee appointed by Council on a special topic) |

I am interested in being on a waiting list if there are no current vacancies on the committee(s) I selected.

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Please write a brief narrative describing your interest, qualifications, and what you hope to accomplish in this position. If you need additional space, please attach as a separate document a resume or other information you feel would be helpful.

USAF veteran. A member of the Oregon Judicial system. A desire to serve the community my family and I call home. If chosen, I will both dedicated and motivated to the cause in which I have volunteered.

Educational Background

High School

College

Degree

Please describe any previous Volunteer/Committee Experience

Authorization Waiver

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Applicant's Signature

Date

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City Manager's Office
187 SE Court Street
Dallas, OR 97338
503-831-3502
sam.kaufmann@dallasor.gov



Citizen Committee Interest Form

Official Use Only
Date Rec'd 11/24/21
Date Appt _____
BCC _____

Applicant's Name Carol S. Kowash

Complete Address [Redacted] Dallas TX 75238

Complete Mailing Address Same

Phone [Redacted]

Email [Redacted]

Occupation and Employer Edward Jones PT / Retired Loan Officer

Are you a Dallas resident? Yes No

- | | |
|--|--|
| <input type="checkbox"/> Budget Committee | <input type="checkbox"/> Parks Advisory Board / Tree Board |
| <input type="checkbox"/> Economic Development Commission | <input checked="" type="checkbox"/> Planning Commission |
| <input type="checkbox"/> Historic Landmarks Advisory Committee | <input type="checkbox"/> Urban Renewal District Advisory Committee |
| <input type="checkbox"/> Library Board | <input type="checkbox"/> Ad Hoc Committee (limited duration committee appointed by Council on a special topic) |

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Please write a brief narrative describing your interest, qualifications, and what you hope to accomplish in this position. If you need additional space, please attach as a separate document a resume or other information you feel would be helpful.

Would love to see the City of Dallas plan ahead for growth and charge as much as financially possible
Commercial Finance Loan Officer w/ Housing & Comm Svcs w/ Multiple Finance streams / grants, tax credits & Bonds. Kept in compliance the Low Income Housing Tax Credit Program which generated 120 million annually in State Apartment Financing. Also proficient at HUD HOME, Revenue Bonds
OAHFC Trust Fund, Real Estate Loans & Underwriting for Commercial + 17 1/2 years in Multi Family Finance for affordable Hsg.

Educational Background

High School Sprague High, Salem

College Chemeketa

Degree Business Accounting - AS

Please describe any previous Volunteer/Committee Experience

Budget officer - St Ann's Altar Society. Chair, Deposits, Sunday School Teacher at Church. Reader in Church.

Authorization Waiver

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Applicant's Signature Carol A. Kawash

Date Nov. 24, 2021

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City Manager's Office
187 SE Court Street
Dallas, OR 97338
503-831-3502
sam.kaufmann@dallasor.gov



Citizen Committee Interest Form

Official Use Only
Date Rec'd <u>11/30/21</u>
Date Appt. _____
BCC _____

Applicant's Name **Nicholas A Peasley**

Complete Address [Redacted], Dallas OR 97338

Complete Mailing Address [Redacted], Dallas OR 97338

Phone [Redacted]

Email [Redacted]

Occupation and Employer Associate Attorney, Haugeberg, Rueter, Gowell, Fredricks & Higgins, P.C.

Are you a Dallas resident? Yes No

- Budget Committee
- Economic Development Commission
- Historic Landmarks Advisory Committee
- Library Board
- Parks Advisory Board / Tree Board
- Planning Commission
- Urban Renewal District Advisory Committee
- Ad Hoc Committee (limited duration committee appointed by Council on a special topic)

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Please write a brief narrative describing your interest, qualifications, and what you hope to accomplish in this position. If you need additional space, please attach as a separate document a resume or other information you feel would be helpful.

See Attachments.

Educational Background

High School

College

Degree

Please describe any previous Volunteer/Committee Experience

Authorization Waiver

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Applicant's Signature

Date

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187 SE Court Street
Dallas, OR 97338
503-831-3502
sam.kaufmann@dallasor.gov



Citizen Committee Interest Form

Official Use Only
Date Rec'd <u>12/15/21</u>
Date Appf _____
BCC _____

Applicant's Name DAVID SHEIN

Complete Address [REDACTED] DALLAS OR 97338

Complete Mailing Address As above

Phone [REDACTED]

Email [REDACTED]

Occupation and Employer Retired

Are you a Dallas resident? Yes No

- | | |
|--|--|
| <input checked="" type="checkbox"/> Budget Committee | <input type="checkbox"/> Parks Advisory Board / Tree Board |
| <input type="checkbox"/> Economic Development Commission | <input type="checkbox"/> Planning Commission |
| <input type="checkbox"/> Historic Landmarks Advisory Committee | <input type="checkbox"/> Urban Renewal District Advisory Committee |
| <input type="checkbox"/> Library Board | <input type="checkbox"/> Ad Hoc Committee (limited duration committee appointed by Council on a special topic) |

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Please write a brief narrative describing your interest, qualifications, and what you hope to accomplish in this position. If you need additional space, please attach as a separate document a resume or other information you feel would be helpful.

I have been a member of the Budget Committee both as councilor and citizen. The committee's work is crucial to successful operation of the city and I welcome the responsibility and privilege of continuing to serve.

Educational Background

High School

College

Degree

Please describe any previous Volunteer/Committee Experience

DALLAS CITY COUNCIL
DALLAS PLANNING COMMISSION
DALLAS BUDGET COMMITTEE
DALLAS URDAC
AD HOC COMMITTEES: CITY CHARTER
UTILITY RATES

Authorization Waiver

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Applicant's Signature

Date

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Dallas, OR 97338
503-831-3502
sam.kaufmann@dallasor.gov



Citizen Committee Interest Form

Official Use Only
Date Rec'd <u>11/30/21</u>
Date Appt _____
BCC _____

Applicant's Name

Complete Address

Complete Mailing Address

Phone

Email

Occupation and Employer

Are you a Dallas resident? Yes No

- | | |
|--|--|
| <input checked="" type="checkbox"/> Budget Committee | <input type="checkbox"/> Parks Advisory Board / Tree Board |
| <input type="checkbox"/> Economic Development Commission | <input checked="" type="checkbox"/> Planning Commission |
| <input type="checkbox"/> Historic Landmarks Advisory Committee | <input type="checkbox"/> Urban Renewal District Advisory Committee |
| <input type="checkbox"/> Library Board | <input type="checkbox"/> Ad Hoc Committee (limited duration committee appointed by Council on a special topic) |

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Please write a brief narrative describing your interest, qualifications, and what you hope to accomplish in this position. If you need additional space, please attach as a separate document a resume or other information you feel would be helpful.

Educational Background

High School
College Degree

Please describe any previous Volunteer/Committee Experience

Authorization Waiver

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Applicant's Signature Date

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Dallas, OR 97338
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sam.kaufmann@dallasor.gov

To whom it may concern:

I am submitting my "Citizen Committee Interest Form" in hopes for an appointment to either the Planning Commission or the Budget Committee. I will keep this brief and feel free to contact me if there are any questions or concerns.

While I am a new resident to the City of Dallas, I am not new to the area. I grew up in Salem graduating from Sprague High School. I then moved to Yamhill County, specifically McMinnville, where I lived and worked until 2019. For 19 years I worked for the City of McMinnville as a Project Manager and then as the Engineering Manager. I have an extensive background in municipal government that includes infrastructure master planning, traffic, wastewater, budgeting, and private development review. I believe my background and experience would be a benefit to the City of Dallas in a voluntary role. I have attached my professional resume as a reference.

During my time at the City of McMinnville, I enjoyed being a part of the community that I lived and worked in. I felt I was making a difference in my community. In 2020 my wife and I purchased property within the City of Dallas and over the next year and a half made plans to build our new home. Over the summer of 2021 that dream became reality and we are happy to be moved into our home. My wife is born and raised in Dallas and one of the reasons we moved here is she plans to establish a business. We are committed to be a contributor/supporter of the City of Dallas and be an active part of this community.

Thank you for your time, consideration and service.

Sincerely,

Rich Spofford
[REDACTED] South Kings Valley Hwy
Dallas OR 97338
[REDACTED]

Richard A. Spofford

██████████ South Kings Valley Hwy

██████████ rich.spofford@outlook.com

Education:

Oregon State University
Bachelor of Science Civil Engineering
EIT Certificate #10259EIT

Work History:

August 2019 – Present, Roads Operation Manager
Benton County, Corvallis, Oregon

Manage the Public Works Road Division. Serve as a key member of the department's emergency management team. Responsible for long-range policy and strategic planning for management of the county road system. Develops management systems for a complex multi-million dollar budget, balancing staffing levels, equipment needs, and material expenditures. Collaborates with other division managers and the director to establish and review department policy. Represents the county on Public Works operations issues at public meetings, hearings and with other government agencies. Negotiate contracts and partnerships with locals, state and/or federal agencies. Staff supervised is two Forman, six Road Maintenance Worker 3's, two Road Maintenance Worker 1's, and one Administrative Assistant.

September 2006 – July 2019, Engineering Services Manager
City of McMinnville, McMinnville, Oregon

Supervised the Engineering Department staff that consisted of two Project Managers, one Engineering Technician, and one GIS Technician. I planned, organized, scheduled, assigned, and reviewed work assigned to specific projects. I frequently prepared project staff reports and memorandums as required. I also worked with other government agencies (ODOT, ODA, FAA, DEQ) to ensure timely receipt of supporting project funds, including application for funds and preparation of necessary reports. Represented the Department at the Airport Commission, City Council, and/or other committee meetings. I also performed project management on capital improvement projects including construction and consultant management, contract development and administration, and RFQ/RFP issuance and review. Prepared operating budgets, including supporting documentation for the Engineering Division and Airport Operations Fund. Administered the approved budget and oversees the maintenance and monitoring of budgetary controls. Reviewed development plans, engineering reports, and impact studies for compliance with City policies

and procedures, and recommended development conditions of approval. Calculate and assess various fees and charges, including system development charges, driveway / sidewalk installation fees, and engineering inspection fees. Prepare development agreements for subdivisions, and other privately constructed public infrastructure improvements. Analyzed, planned, and implemented operations and maintenance improvements at the airport. Managed airport improvement projects, and administered related Federal and State grant submission and reimbursement.

Successful management of multiple sewer rehabilitation projects ranging from \$0.5 – \$2.5M. Multiple airport improvement projects from \$0.8 - \$7M which included federal grant management and Connect Oregon V State grant acquisition. Multiple wastewater treatment plant projects from \$0.8 - \$13M including the APWA Project of the year award for Environmental category for the recent WRF expansion project.

June 2000 – September 2006, Project Manager
City of McMinnville, McMinnville, Oregon

I managed City public works construction projects and consultants. I administered contracts and prepare documents for public bidding. Projects include building structures, underground sewer, airport improvements, vehicle and equipment purchases, contract services, and RFP's for consulting services. Manage City's private building sewer program, update City map drawings, help prepare City budget related to engineering, transportation, sewer, streets and airport funds, assist in sewer design, field survey, utility locates, construction inspection, attend pre-application meetings, calculate sewer and transportation SDC's, and assist public with general information related questions.

May 1998 – June 2000, Engineering Associate
City of Tualatin, Tualatin, Oregon

I processed and reviewed subdivision, partition, property line adjustment, right-of-way vacation, and commercial development applications by writing findings within staff reports based on the Development Code for approval. Subdivision findings were presented to the City Council in a public hearing format. Assist Civil Engineer with capital project management duties such as project consultant coordination and contract document preparation and administration.

February 1997 – April 1998, Project Engineer
Coffman Excavation, Oregon City, Oregon

Coordinate contractor/subcontractors, project estimation, pre-job set up, project submittals, plan take-off, document as-built drawings, crew formations, cost

tracking, and jurisdictional permit acquisition for private development and public improvement projects.

Professional Organizations:

American Public Works Association (APWA) – Oregon Chapter



Citizen Committee Interest Form

Official Use Only
Date Rec'd <u>11/20/21</u>
Date Appt <u> </u>
BCC <u> </u>

Applicant's Name **Charles P. (Chuck) Wells**

Complete Address **[Redacted], Dallas, OR 97338**

Complete Mailing Address **[Redacted], Dallas, OR 97338**

Phone **[Redacted]**

Email **[Redacted]**

Occupation and Employer **Self Employed Real Estate Appraiser**

Are you a Dallas resident? Yes No

- | | |
|--|--|
| <input checked="" type="checkbox"/> Budget Committee | <input type="checkbox"/> Parks Advisory Board / Tree Board |
| <input type="checkbox"/> Economic Development Commission | <input checked="" type="checkbox"/> Planning Commission |
| <input type="checkbox"/> Historic Landmarks Advisory Committee | <input type="checkbox"/> Urban Renewal District Advisory Committee |
| <input type="checkbox"/> Library Board | <input type="checkbox"/> Ad Hoc Committee (limited duration committee appointed by Council on a special topic) |

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Please write a brief narrative describing your interest, qualifications, and what you hope to accomplish in this position. If you need additional space, please attach as a separate document a resume or other information you feel would be helpful.

I have been involved in planning and economic development issues as my 40 years experience as a real estate appraiser. I have managed budgets, contracts and staff in my various roles both as a business owner and program manager for the Oregon Department of Transportation and Sound Transit.

Educational Background

High School

College

Degree

Please describe any previous Volunteer/Committee Experience

Member and president elect nominee-Dallas Rotary Club. Board Member Dallas Rotary Club. Past president-Modesto Rotary Club. Former member-Salem Rotary Club. I have served as a board member of a Salem church and was the nutrition ministry manager for Monday Night Church in Modesto, CA.

Authorization Waiver

I have completed the above questions and to the best of my knowledge, what has been stated is true. If appointed, I agree to serve without reimbursement of any kind. I understand that I may be subject to a criminal records check. I further understand that irrespective of any criminal records check, the City of Dallas may decline my volunteer application or volunteer services at any time.

Applicant's Signature


Date

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Dallas, OR 97338
503-831-3502
sam.kaufmann@dallasor.gov



CITY OF DALLAS CITY COUNCIL STAFF REPORT

MEETING DATE: January 3, 2022
AGENDA ITEM NO. 7b
TOPIC: Discontinuing Animal Control Program
PREPARED BY: Chief Tom Simpson
APPROVED BY:  City Manager
ATTACHMENTS: A – Polk County Code of Ordinances Title IV, Chapter 42 – Dogs and Livestock
B – Oregon Revised Statute 609.095 - Dogs as Nuisance

RECOMMENDED ACTION

Direct the police department to discontinue the Animal Control Program, including dog licensing. In addition, direct the City Attorney to draft an ordinance repealing *DCC 5.382, License Required; DCC 5.384, Impoundment, DCC 5.387, Dangerous Dogs* and to appropriately modify *DCC 5.388, Penalty*. Also, direct the City Manager to enter into an agreement with Polk County regarding the use (lease) of the Dallas Animal Shelter.

BACKGROUND:

The Animal Control Program of the Dallas Police Department is an optional service provided by the police department for residents of the city of Dallas. The program has historically been operated by a part-time (20hrs) civilian enforcement officer (Community Service Officer) under the direction of a member of PD management. The most common function of the animal control officer has been to respond to calls for services related to nuisance dogs, primarily dangerous dogs, dogs running at large and barking dogs. The animal control officer has also been responsible for the operation, cleanliness and maintenance of the city-owned dog shelter located near the City of Dallas Waste Water Treatment Plant on Bowersville Road. As a peripheral responsibility, the animal control officer was responsible for parking enforcement in the downtown core (Central Business District).

In approximately 2007, the City started managing a dog-licensing program in an effort to help fund the operations of the animal control program. Prior to this, Dallas residents could license their dogs through the Polk County Sheriff's Office.

During the first week of October, I learned that our current animal control officer had tendered her resignation and was accepting a full-time position in the Records Unit of the Polk County Sheriff's Office. Her last day with the city was October 24th.

Over the past two years, I have been working closely with the city manager in efforts to streamline the operational costs of the police department and better balance the costs of Department operations with existing revenues. Likewise, the ability to recruit quality, long-term employees interested in working half-time with no substantial benefits has become increasingly difficult for agencies across the region.

Rather than initiating a search for a replacement animal control officer, staff is proposing that the police department discontinue the animal control services by the police department. Reducing existing General Fund commitments such as this program can make funding available for higher priority General Fund responsibilities within the police department or other departments. Staff recommends that dog control within the city of Dallas be handed over to the Polk County Sheriff's Office, as outlined in Oregon Statute and Polk County Ordinances.

The Polk County Board of Commissioners has declared Polk County a Dog Control District as provided in ORS 609 (Ord. 87-12) which declaration is currently codified in Polk Code of Ordinances Title IV, Chapter 42 – Dogs and Livestock (**See Attachment A**). Chapter 42 outlines the responsibilities of the Polk County Sheriff as it pertains to dog control, specifically, “The Dog Control Officer shall be appointed by the Sheriff. The Dog Control Officer shall be responsible for in-field enforcement of all state and county laws relating to the control of dogs within Polk County. (Polk County Ord. §42.124)

The Sheriff's Dog Control Officer will not enforce *city of Dallas* ordinances; however, County ordinance specify that the Sheriff's Office enforce state and county laws related to dog control. Oregon Revised Statute 609.095(1)(a-g) outlines the most common nuisances related to dogs, which include disturbing any person by frequent or prolonged noises (e) and potentially dangerous dogs (g) (**See Attachment B**).

I met with the city attorney to discuss the disposition of existing city ordinances related to dog control if the Council decides to discontinue the current Animal Control Program. The resulting recommendation is to repeal DCC 5.382, *License Required*; DCC 5.384, *Impoundment* and 5.387, *Dangerous Dogs* and to retain DCC 5.380, *Dogs At Large*. Lastly, DCC 5.388, *Penalty* should be modified as appropriate. (Polk County's Dog Control could enforce existing state statutes and Polk County Ordinances.)

Polk County ordinance also provides the County with the authority to either maintain its own animal shelter or to enter into a contract with a private contractor for the provision of animal shelter services. (*Polk County Ord. §42.118*) If the Council's decision is to discontinue the city's animal control program, staff proposes to lease the operation and routine maintenance of the city-owned dog shelter on Bowersville Road to the Polk County Sheriff's Office, at an annual amount to be determined by the Council.

The Sheriff's statutory guidelines pertain primarily to dogs, therefore, the Sheriff's Animal Control Officer may or may not respond to the occasional odd animal issue which might surface within the city of Dallas. Concerns over cougars and deer are examples of calls we sometimes receive. These complainants are often referred to the Oregon State Police Game Division or the

Oregon Department of Fish & Wildlife. Both of these agencies are designed—and better suited—for wild animal matters.

Since our former animal control officer was tasked with the peripheral duty of parking enforcement in the Central Business District (downtown), staff recommends downtown parking be assumed by the Code Services program once it is fully staffed. Code Services already handles parking violations throughout the city and outside of the Central Business District.

Staff also proposes that the police department discontinues the current dog licensing program and revert this responsibility and associated revenue source back to the Polk County Sheriff's Office. This would help offset the cost of providing the service which Dallas previously had provided residents within the incorporated city limits of Dallas.

The police department's current animal control pickup is an aging vehicle (over 16 years old) which has needed replacement for the past several years. A suspension of our city animal control program would negate the need to purchase a replacement animal control truck; yet another step to help improve the balance between operational costs and existing revenue.

When this matter was discussed during the October Public Safety Committee meeting, additional information was requested by the Committee before a recommendation whether to move forward. Taking into consideration the lapse in service to city of Dallas residents—due to the departure of our former animal control—the frequency of Public Safety Committee meetings, and in effort to expedite a Council decision on this matter, at the direction of the City Manager, I had a telephone discussion with Committee Chair Bill Hahn on December 10th.

I explained my discussions with Sheriff Garton and outlined how animal control could be handled within the City if our Animal Control Program was discontinued. I also advised Chair Hahn that during our discussions, the Sheriff let me know he would prefer that dog licensing be returned to their Office if they are to resume dog control in Dallas. I also explained my concern about waiting for the next Public Safety Committee meeting (February) before this is re-visited and potentially routed to the full Council. Chair Hahn told me he felt all of the questions were answered and that discontinuing our animal control program and giving those services back over to the Sheriff's Office made sense to him. He also agreed that I could incorporate the discussion with him into this staff report and route the matter directly to the full Council on January 3rd.

During discussions with Sheriff Garton regarding this proposed transition in services. We have agreed—subject to Council approval—that the Sheriff's Office can immediately start providing dog control services within Dallas, under the following general guidelines:

- Dallas Police will handle crimes related to dogs (animal neglect, etc.)
- PCSO Dog control will handle other routine and non-criminal dog complaints within the City. (This would be similar to how dog matters are handled in those portions of the city of Salem which are in Polk County.)
- Barking dog complaints will be referred to City of Dallas Code Services.
- Wild animal matters should be referred to the ODFW or OSP Game.

- Dog licensing by the City of Dallas Police Department will terminate; all dog licenses for the City of Dallas residents will be by the Polk County Sheriff's Office.

SUMMARY TIMELINE:

- October 25, 2021 – Initial report to Public Safety Committee
- December 10, 2021 – Phone Discussion with Public Safety Committee Chair Hahn
- January 3, 2022 – Report to Council recommending program suspension

FISCAL IMPACT:

- Reduction in annual personnel and operational costs (EXPENSES) associated with Animal Control Program (personnel; program & shelter expenses) - ~\$37,669
- Reduction in annual fees and assessments (REVENUE) related to Animal Control Program - ~\$600
- Reduction in dog license (REVENUE) - ~\$22,000
- Elimination of the need to replace aging Animal Control pickup - ~\$40,000

DALLAS 2030 VISION IMPACT:

Our Health & Safety

- Dallas has broad access to community-based police, fire and medical services through enhanced regional cooperation.

DALLAS STRATEGIC PLAN 2021-2025:

Goal 33- General Fund Budget: Options to Create a Healthy General Fund (*A top-five priority*)

RECOMMENDED MOTION:

Move to direct the City Manager to discontinue the Police Department's Animal Control Program, including dog licensing and to enter into an agreement with Polk County regarding the lease of the Dallas Animal Shelter to Polk County. Also to direct the City Attorney to prepare an ordinance repealing *DCC 5.382, License Required; DCC 5.384, Impoundment, DCC 5.387, Dangerous Dogs* and to appropriately modify *DCC 5.388, Penalty*.

ATTACHMENTS:

- A – Polk County Code of Ordinances Title IV, Chapter 42 – Dogs and Livestock
- B – Oregon Revised Statute 609.095 - Dogs as Nuisance

DOGS AND LIVESTOCK

42.105 AUTHORITY.

Polk County has been declared a Dog Control District under ORS 609.010 to 609.190. [Ord. 87-12]

42.107 PURPOSE.

Polk County has determined that responsible dog ownership and a viable public information system (to include public information programs and adequate signage) are matters of significant importance. The Purpose of Chapter 42 is to establish a framework which supplements State law, to allow for the operation and enforcement of an effective dog control program. [Ord. 00-11]

42.110 LICENSES AND FEES.

(1) Every person owning, keeping, or acquiring a dog which has a set of permanent canine teeth or becomes six (6) months old, whichever occurs first, shall obtain a license for the dog and pay the fee prescribed by resolution of the Board.

(2) Each dog license shall be issued for a period of one (1) year, up to (3) three years, and shall be renewed not later than the expiration date of the current license. However, if the final day for renewal occurs on a weekend or on a legal holiday in Oregon under ORS 187.010, the license may be renewed on the next succeeding business day without penalty, liability, or loss of other rights. The license shall expire no later than the end of the month in which the rabies vaccination expires as listed on the rabies vaccination certificate. [Ord. 87-12; amended by Ord. 88-28, Ord. 96-5, Ord. 04-08, and Ord 06- 12]

(3) Kennel Facilities; Regulation. Chapter 42 does not regulate kennel facilities [Ord. 06-12].

42.115 PENALTIES

(1) Any person owning or keeping a dog required to be licensed under Section 42.110 who fails to obtain a license for the dog within thirty (30) days after such license or renewal is required, or who fails to obtain or renew a license within thirty (30) days after becoming the owner or keeper of such a dog, and/or establishing residency in Polk County, shall pay either of the following penalties in addition to a license fee:

- (a) For voluntary licensing: \$10.00
- (b) For non-voluntary licensing: \$50.00-plus

(2) For purposes of this section, "Non-Voluntary Licensing" means any licensing that occurs as a result of impoundment of an unlicensed dog, or issuance of a citation by Polk County or any other law enforcement agency for failure to obtain or renew a license. [Ord. 87-12; amended by Ord. 88-28 and Ord. 96-5; amended by Ord. 00-17]

(3) Mandatory micro-chipping and registration with Polk County and an approved national database shall be required under the following circumstances. The Dog Board shall from time to time designate a listing of approved national database organizations.

- (a) Issuance of a citation or summons by Polk County or any other law enforcement agency for violation of ORS 609.060 [Dog Running at Large] and/or ORS 609.095 to ORS 609.098 [Dog as a Public Nuisance—Potentially Dangerous Dog & Dangerous Dog] and/or ORS 167.320 to ORS 167.360 [Owners/Keepers cited for Animal Neglect and Abuse] and/or Polk County Ordinance Chapter 42 [Wolf-dog Hybrid] and Polk County Ordinance Chapter 43 [Maintaining Kennel Without License AKA Puppy Mill] and the dog(s) is/are not licensed.
- (b) Any dog(s) reported to have chased, menaced, or bitten person(s) and not currently licensed.
- (c) Any dog impounded by Polk County or any other law enforcement agency.
- (d) Any dog reported to be in violation of ORS 609.150 and is not currently licensed. [Ord. 06-12]

42.117 WHEN LICENSES NOT TO BE ISSUED.

A license shall not be issued or renewed for any dog if the owner or keeper of the dog currently is in default of payment of any obligations arising under this chapter, including fees, penalties, impoundment fees, or appeal deposits. [Ord. 91-11, Sec. 3]

42.118 ANIMAL SHELTER.

Polk County is hereby given authority to maintain its own animal shelter or to enter into a contract with a private contractor for the provision of animal shelter services. The County may delegate to the private contractor who is providing animal shelter services, the authority to sell, adopt, or humanely kill animals once the private contractor is no longer required by law or contract to hold the animal. Such sales or adoptions may be made without the specific approval of each adoption by the County Board of Commissioners, Hearings Officer or Dog Control Board and may be made without determination, by either Board or the Hearings Officer, that the animal is not dangerous and can be safely kept. [Ord. 93-8, Sec. 1]

42.120 IMPOUNDMENT COSTS.

(1) A person owning or keeping a dog that has been impounded by Polk County shall pay the expenses incurred by Polk County arising out of the impoundment. However, payment shall be not less than \$35 for the dog's first impoundment, and not less than \$55 for each subsequent impoundment, with \$15 increases for each additional violation.

(2) Payments required under Subsection (1) of this section shall include the current dog license fee under Section 42.110, and all penalties under Section 42.115, if not already current, and

all impoundment costs including, but not limited to, the costs of apprehension, transportation, boarding fees, medical costs, and all costs involved in disposition of the dog.

(3) Each application for issuance or renewal of a license shall require the person applying to agree in writing to pay impoundment costs required under this section. [Ord. 87-12; amended by Ord. 88-18]

42.122 EXCLUSIONS FROM "RUNNING AT LARGE."

County officials are not required, but may (based upon the particulars of the situation), impound dogs found to be "running at large." For purposes of this chapter, a dog is not considered to be "running at large" if it is under the supervision of a person and is being:

- (1) Used in order to hunt in a legal manner at a legal time;
- (2) Used to control or protect livestock;
- (3) Used in other related agricultural activities; or
- (4) Trained for any activity described in subsections (1) to (3) of this section. [Ord. 05-01; Ord. 91-11, Sec. 1]

42.123 LICENSING OF WOLF-DOG HYBRIDS.

Regulation and licensing of wolf-dog hybrids will fall under the jurisdiction of Polk County Dog Control. Licensing will apply to wolf-dog hybrids aged six (6) weeks or more, to be renewed annually. There is no three-year license for wolf hybrids. Failure to license as a wolf-dog hybrid will result in confiscation of animal.

- (1) Confinement.
 - (a) Animal shall not become a public safety or public nuisance problem.
 - (b) Animal shall not roam free at any time.
 - (c) Chaining or tethering is not an acceptable method of confinement.
 - (d) Enclosure must allow for freedom of postural movements.
 - (e) Enclosure must confine animal sufficiently to not allow escapes.
- (2) Control Outside of Enclosure.
 - (a) Animal must be kept in control on lead of no more than six (6) feet in length.

- (b) Animal must be in control of responsible adult.
 - (c) Animal must not be left unattended or tethered.
- (3) Shelter.
 - (a) Shelter must protect the animal from the elements.
 - (b) Shelter must provide clean, dry, draft-free place to rest.
 - (c) Shelter must prevent any physical discomfort and impairment of health due to exposure.
- (4) Food and Water. Food and water must be provided sufficient in quantity and quality to maintain good health of the animal under all weather conditions.
- (5) Sanitation. Living area of the animal must be maintained free of a build up of fecal material, urine-soaked bedding, trash, debris, or any other foreign material.
- (6) Health Care. Licensee must identify veterinary practice dealing with licensed animal.
- (7) General Care. Animal must be maintained to prevent maltreatment, abuse, or neglect of any sort.
- (8) Identification. Animal must be identified by electronic microchip implant. Owner must provide implant number and certificate of registration in an approved national database to licensing authority, which will register the identification with Polk County. The owner's check shall be attached to the application and made out to Polk County. If the microchip number has already been registered with an approved national database, the County will verify the information before the issuance of the license.
- (9) Rabies Vaccination. Rabies vaccination shall remain at the discretion of the owner and veterinarian until rabies vaccine becomes labeled by USDA for use in wolf-dog hybrids, at which time it will become mandatory.
- (10) Penalty for escape of the licensed animal.
 - (a) First Offense - \$100 fine in addition to impoundment fees.
 - (b) Second Offense - confiscation and euthanasia of the escaped animal.
- (11) Licensing fees.
 - (a) License will be the same as the annual dog license fee.

- (b) Wolf-dog hybrids must be licensed at six (6) weeks of age. Three-year licenses do not apply.

(12) Bite of Humans. A licensed animal which bites a human will be dealt with under rules of the Oregon Health Division Acute and Communicable Diseases Program and as recommended by the Compendium of Animal Rabies Control. Wolf-dog hybrids are currently classified as a wild animal and treated as such.

(13) Period of Responsibility for Licensed Animal.

- (a) Maintain ownership and control for natural lifetime of animal, or
- (b) Notify licensing authority of any intended transfer of ownership of licensed animal so that animal can be re-licensed to new owner, or
- (c) Dispose of animal by humane euthanasia.
- (d) Animal may not be abandoned or released into the wild.

(14) Licensing Agreement. A signed agreement between the licensee and licensing authority must be executed for licensure to be valid. The agreement form will be provided by licensing authority. [Ord 97-5; amended Ord 06-12]

42.124 DOG CONTROL OFFICER - FUNCTION.

The Dog Control Officer shall be appointed by the Sheriff. The Dog Control Officer shall be responsible for in-field enforcement of all state and county laws relating to the control of dogs within Polk County. The Dog Control Officer shall issue warnings, citations, and violations as deemed necessary. No specific form of citation is required, instead the Dog Control Officer may utilize any legal process to initiate enforcement proceedings and, when necessary, to take custody of dogs. When appropriate, Sheriff's Office Deputies may be called in to issue criminal process. The Dog Control Officer shall attend all Dog Board hearing proceedings and all Hearings Officer hearing proceedings and prior to same shall prepare and submit a written staff report which shall summarize the known facts, list the witnesses, and recommend a course of action. [Ord. 00-11]

42.125 DOG CONTROL BOARD; MEMBERSHIP; MEETINGS.

(1) The Polk County Dog Control Board, authorized by ORS 609.030 and designated as the legislative board of supervisors and contested case forum for the district, is composed of five members appointed by the Board of Commissioners for terms specified in the appointment. At least two of the members must be connected directly or indirectly with the livestock industry.

(2) The Board of Commissioners annually shall select one of the full-time members to serve as Chair for a term of one (1) year.

(3) The Dog Control Board shall hold regular public meetings at such times and places as it considers necessary. Special meetings shall convene on call of the Chair.

(4) The Dog Control Board shall hold all necessary and requested contested case hearings upon appropriate notice on an “as needed” basis. [Ord. 00-17]

(5) Three members of the Dog Control Board constitute a quorum for doing business, and any decision of the Board must have the concurrence of at least three (3) members.

(6) Members of the Dog Control Board shall receive no compensation. [Ord. 87-12; amended by Ord. 90-3 and 91-5]

42.130 FUNCTIONS OF DOG CONTROL BOARD; RULES.

(1) The Dog Control Board shall annually review Chapter 42 to determine if it is in compliance with existing state law; shall review proposed and/or pending legislation at the state level; shall determine the need for possible amendments to Chapter 42; shall review in advance all staff reports concerning dog-related matters; shall conduct all necessary or requested contested case hearings and shall have jurisdiction (concurrently with the Hearings Officer) over all non-criminal dog-related violation matters (both PCCO Chapter 42 and ORS Chapter 609); shall have full authority to impose non-criminal sanctions (consistent with a Penalty Schedule approved by the Board of Commissioners and/or applicable state law) pursuant to state, county, and local laws; shall designate at least one member to attend dog-related appellate matters before the Hearings Officer in the capacity of an expert advisor to the Hearings Officer; shall review all dog-related contested case and appellate decisions of the Hearings Officer; shall send an annual written report to the Board of Commissioners updating the Board of Commissioners on any significant changes in state law and proposing amendments, if needed, to Chapter 42; shall maintain and implement a public information program; shall be available to conduct voluntary mediation sessions with all parties involved in dog-related contested case matters; and shall meet as needed with representatives from the livestock industry, the Humane Society, and County dog control staff on matters related to dog control. [Ord. 00-11; amended by Ord. 00-17; amended by Ord. 06-12]

(2) The Board of Commissioners shall adopt rules to carry out the duties of the Dog Control Board. [Ord. 87-12 amended by Ord. 90-3]

42.132 HEARINGS OFFICER - FUNCTION.

The Polk County Board of Commissioners shall appoint a duly qualified Hearings Officer (and shall, when possible, designate a duly qualified back-up Hearings Officer) to conduct all necessary or requested de novo appellate hearings and all contested case matters (including failure to license citations) referred by the Board of Commissioners, the Dog Board, or the Dog Control Officer. Before closing any appellate hearing, the Hearings Officer may receive and consider the recommendation of the Dog Board. The Hearings Officer shall also have appellate jurisdiction over all non-criminal dog-related violation matters (both PCCO Chapter 42 and ORS Chapter 609) unless the particular matter was previously heard as a contested case by the Hearings Officer. The Hearings Officer shall have full authority to approve, reject or impose non-criminal sanctions

(consistent with a Penalty Schedule approved by the Board of Commissioners) pursuant to state, county, and local laws. The Hearings Officer shall issue written decisions containing Findings and Conclusions. Written decision of the Hearings Officer shall be issued and mailed to the relevant parties (including the Dog Board) within ten (10) business days after the hearing. Decisions of the Hearings Officer may be appealed pursuant to section 42.140. [Ord. 00-11; amended by Ord. 06-12]

42.133 CONTESTED CASES - PROCESS.

(1) Contested cases are brought before (a) the Dog Board, (b) the Hearings Officer, or (c) the Circuit Court.

(2) The Dog Control Officer will indicate on the charging instrument where the matter will be heard should the person charged wish to contest the charge. The charging instrument will also include the following information:

- (a) Name of person charged
- (b) Charge(s)
- (c) Relevant date(s) and location(s)
- (c) Default Sanction(s)
- (d) Identification of contested case forum
- (e) Date and time for hearing of contested case
- (f) Statement that failure to either comply with the Default Sanction or

appear at the contested case as scheduled will result in automatic imposition of Default Sanction and a monetary penalty of \$150.

(3) Contested Case Designation. To the extent possible, contested cases will be assigned for hearing as follows:

(a) Dog Board: (1) non-criminal livestock matters; (2) non-criminal bites; (3) designation of, and sanctions imposed against “potentially dangerous dogs” and “dangerous dogs;”

(b) Hearings Officer: (1) non-criminal licensing matters; (2) non-criminal barking matters (subject to decision of either the Dog Board or the Hearings Officer to refer the matter to community mediation);

(c) Circuit Court: matters where a criminal sanction is sought. [Ord. 06-12]

42.134 APPLICATION FOR REVIEW.

(1) An aggrieved person may file an application for review of any order of the Dog Control Board not later than the 10th day after the order was signed, by filing a written copy of the application for review in the office of the Board of Commissioners. The application shall set out reasons why the order should be reviewed.

- (2) The application for review will not be accepted unless the aggrieved person:
 - (a) Presents written proof that all kennel, licensing, medical, and identification costs have been paid in full and in the case of kennel costs, have been pre-paid for an additional twenty (20) days from the date the application for review is filed; and
 - (b) Pays to the Board of Commissioners, a non-refundable \$150 administrative appeal fee.
- (3) The Hearings Officer will conduct all appellate reviews unless the particular matter was previously heard as a contested case by the Hearings Officer. [Ord. 00-17]

42.140 REVIEW BY CIRCUIT COURT.

(1) Following final decision by the Hearings Officer, an aggrieved person may file the appropriate appeal with the Circuit Court. To be timely, the appeal must be filed in proper form with the Circuit Court with written conformed proof of filing served on the Board of Commissioners by no later than the 14th day after the date of the Hearings Officer’s written decision.

(2) Any person appealing the Hearings Officer’s written decision shall post security in an amount determined by the Court (but in no case less than \$500), sufficient to ensure payment of kennel costs and/or internal county charges pending a decision by the Court. [Ord. 87-12; amended by Ord. 88-17; amended by Ord. 00-11; amended by Ord. 00-17]

LIVESTOCK

42.200 LIVESTOCK DISTRICT

The entire area of unincorporated Polk County and the entire area of all incorporated cities within Polk County are designated a “livestock district” as authorized by election of November 3, 1908, and ORS Chapter 607, and as formally recognized by Order of the Department of Agriculture, April 7, 1958.

42.201 DEFINITION: ADEQUATE FENCE

“Adequate fence” means as defined by ORS 607.007(1).

42.202 PROHIBITION OF LIVESTOCK AT LARGE.

No person owning or having the custody, possession or control of an animal of a class of livestock as defined in ORS Chapter 607 shall permit the animal to run at large or go

upon the land of another.

42.203 ADEQUATE FENCE

At any hearing to ascertain whether there has been a violation of section 42.202, due consideration shall be given to the adequacy or inadequacy of existing fencing.

42.205 SANCTION.

Violation of section 42.202 shall be punishable upon conviction by a fine of not more than \$500 for a non-continuing violation and a fine of not more than \$1000 for a continuing offense. These penalties shall be in addition to any other remedies provided by law to Polk County.

42.210 JURISDICTION.

The Circuit Court and the Polk County Dog Board have concurrent jurisdiction of actions for the prosecution of violation of section 42.202.

Cross Reference:

Commercial Kennels, Sections 43.095 to 43.125
Dog license fees, Res. 06-14
Rules of Dog Control Board, Res. 90-12

ORS Reference:

Rabies Control, ORS 433.340 to 433.390
Exotic animals and wildlife, ORS 609.205; ORS 496.004

Attachment B

609.095 Dog as public nuisance; public nuisance prohibited; complaint. (1) A dog is a public nuisance if it:

(a) Chases persons or vehicles on premises other than premises from which the keeper of the dog may lawfully exclude others;

(b) Damages or destroys property of persons other than the keeper of the dog;

(c) Scatters garbage on premises other than premises from which the keeper of the dog may lawfully exclude others;

(d) Trespasses on private property of persons other than the keeper of the dog;

(e) Disturbs any person by frequent or prolonged noises;

(f) Is a female in heat and running at large; or

(g) Is a potentially dangerous dog, but is not a dangerous dog as defined in ORS 609.098.


(2) The keeper of a dog in a county or city that is subject to ORS 609.030 and 609.035 to 609.110 maintains a public nuisance if the dog commits an act described under subsection (1) of this section. Maintaining a dog that is a public nuisance is a violation.

(3) A keeper of a dog maintains a public nuisance if the keeper fails to comply with reasonable restrictions imposed under ORS 609.990 or if a keeper fails to provide acceptable proof of compliance to the court on or before the 10th day after issuance of the order imposing the restrictions. If the court finds the proof submitted by the keeper unacceptable, the court shall send notice of that finding to the keeper no later than five days after the proof is received.

(4) Any person who has cause to believe a keeper is maintaining a dog that is a public nuisance may complain, either orally or in writing, to the county or city. The receipt of any complaint is sufficient cause for the county or city to investigate the matter and determine whether the keeper of the dog is in violation of subsection (2) or (3) of this section. [1973 c.655 §2; 1977 c.802 §7;



CITY OF DALLAS CITY COUNCIL STAFF REPORT

MEETING DATE: January 3, 2022
AGENDA ITEM NO. 8a,8b,8c
TOPIC: First Reading of Ordinances No. 1864 (Floodplain), 1865 (CBD Building Height), and 1866 (Type I Procedure)
PREPARED BY: Brian Latta
APPROVED BY:  City Manager
ATTACHMENTS: A – Ordinance No. 1864
B – Ordinance No. 1865
C – Ordinance No. 1866

RECOMMENDED ACTION:

Pass first reading of Ordinances No. 1864, 1865, and 1866.

BACKGROUND:

The City Council held a public hearing on December 6, 2021 and approved three groups of revisions to the Dallas Development Code, subject to adoption of ordinances. The three proposed ordinances have been prepared and are attached to this report as **Attachments A-C**.

SUMMARY TIMELINE:

December 6, 2021 – City Council approved three groups of revisions to the Dallas Development Code.

January 3, 2022 – City Council considers Ordinances 1864, 1865 and 1866 for first reading.

January 18, 2022 – City Council considers Ordinances 1864, 1865 and 1866 for second reading and adoption.

FISCAL IMPACT:

NA

RECOMMENDED MOTION:

NA – Ordinances scheduled for first reading.

ORDINANCE NO. 1864

An Ordinance repealing Chapter 2.7 of the Dallas Development Code relating to flood hazard regulations and adopting new provisions in place thereof; and repealing prior conflicting ordinances.

WHEREAS, the Dallas Planning Commission considered amendments to the Dallas Development Code relating to flood hazard regulations; and

WHEREAS, the City duly notified the Oregon Department of Land Conservation and Development of the proposed Development Code amendments not less than 35 days prior to the first evidentiary hearing and the Department did not object to the proposed changes; and

WHEREAS, the Dallas Planning Commission held a public hearing on said amendments, on November 9, 2021, at which time the public was given full opportunity to be present and heard on the matter; and

WHEREAS, the Dallas City Council held a public hearing on said amendments on December 6, 2021, at which time the public was given full opportunity to be present and heard on the matter; and

WHEREAS, the City Council found and hereby finds that the repeal of Chapter 2.7 of the Dallas Development Code and adoption of new flood hazard regulations in place thereof, as set forth in the Legislative Amendment attached hereto as Attachment A, and by reference incorporated herein, are in the public interest to approve; NOW, THEREFORE,

THE CITY OF DALLAS DOES ORDAIN AS FOLLOWS:

Section 1. Chapter 2.7 of the Dallas Development Code is hereby repealed in its entirety.

Section 2. The Legislative Amendment attached hereto as Exhibit A, adopting new provisions of Chapter 2.7, is hereby adopted and approved.

Section 3. The Staff Report of City Manager Brian Latta dated December 6, 2021, inclusive of the exhibits attached thereto, all of which are in the record of the proceeding, is hereby adopted as the findings and conclusions of the City Council in support of the adoption of said Legislative Amendment, and the text amendments to the Dallas Development Code, as set forth herein.

Section 4. All prior and conflicting ordinances are hereby repealed.

Read for the first time: January 3, 2022
Read for the second time: January 18, 2022
Adopted by the City Council: January 18, 2022
Approved by the Mayor: January 18, 2022

BRIAN W. DALTON, MAYOR

ATTEST:

APPROVED AS TO FORM:

BRIAN LATTA,
CITY MANAGER

LANE P. SHETTERLY,
CITY ATTORNEY

EXHIBIT A

2.7 FLOOD HAZARD REGULATIONS

2.7.010 Findings of Fact

- A. The flood hazard areas of City of Dallas are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- B. These flood losses may be caused by the cumulative effect of obstructions in special flood hazard areas which increase flood heights and velocities, and when inadequately anchored, cause damage in other areas. Uses that are inadequately floodproofed, elevated, or otherwise protected from flood damage also contribute to flood loss.

2.7.020 Statement of Purpose

It is the purpose of sections 2.7.010 to 2.7.200, herein referred to as “this code,” to promote public health, safety, and general welfare, and to minimize public and private losses due to flooding in flood hazard areas by provisions designed to:

- A. Protect human life and health;
- B. Minimize expenditure of public money for costly flood control projects;
- C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. Minimize prolonged business interruptions;
- E. Minimize damage to public facilities and utilities such as water and gas mains; electric, telephone and sewer lines; and streets and bridges located in special flood hazard areas;

EXHIBIT A

- F. Help maintain a stable tax base by providing for the sound use and development of flood hazard areas so as to minimize blight areas caused by flooding;
- G. Notify potential buyers that the property is in a special flood hazard area
- H. Notify those who occupy special flood hazard areas that they assume responsibility for their actions
- I. Participate in and maintain eligibility for flood insurance and disaster relief.

2.7.030 Methods of Reducing Flood Losses

In order to accomplish its purposes, this code includes methods and provisions for:

- A. Restricting or prohibiting development which is dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- B. Requiring that development vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- C. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- D. Controlling filling, grading, dredging, and other development which may increase flood damage;
- E. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or may increase flood hazards in other areas.

2.7.040 Definitions

Except as otherwise specifically defined below, words or phrases used in this code shall be interpreted so as to give them the meaning they have in common usage.

Appeal: A request for a review of the interpretation of any provision of this code or a request for a variance.

EXHIBIT A

Area of shallow flooding: A designated Zone AO, AH, AR/AO or AR/AH on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of special flood hazard: The land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. It is shown on the Flood Insurance Rate Map (FIRM) as Zone A, AO, AH, A1-30, AE, A99, AR (V, V1-30, VE). "Special flood hazard area" is synonymous in meaning and definition with the phrase "area of special flood hazard".

Base flood: The flood having a one percent chance of being equaled or exceeded in any given year.

Base flood elevation (BFE): The elevation to which floodwater is anticipated to rise during the base flood.

Basement: Any area of the building having its floor subgrade (below ground level) on all sides.

Below-grade crawl space: Means an enclosed area below the base flood elevation in which the interior grade is not more than two feet below the lowest adjacent exterior grade and the height, measured from the interior grade of the crawlspace to the top of the crawlspace foundation, does not exceed 4 feet at any point.

Critical facility: Means a facility, the loss of which, because of its function, could result in substantial harm to public health, safety or welfare. "Critical facility" includes, but is not limited to schools, nursing homes, hospitals, police, fire and emergency response installations, installations which produce, use, or store hazardous materials or hazardous waste.

Development: Any human-made change to improved or unimproved real property, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, fencing, landscaping, excavation or drilling operations or storage of equipment or materials.

Flood or Flooding:

- (a) A general and temporary condition of partial or complete inundation of normally dry land areas from:
- (1) The overflow of water.
 - (2) The unusual and rapid accumulation or runoff of surface waters from any source.
 - (3) Mudslides (i.e., mudflows) which are proximately caused by flooding as defined

EXHIBIT A

in paragraph (a)(2) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

- (b) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a)(1) of this definition.

Flood elevation study: See "Flood Insurance Study".

Flood Insurance Rate Map (FIRM): The official map on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the city.

Flood Insurance Study (FIS): An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

Flood proofing: Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

Floodplain or flood prone area: Any land area susceptible to being inundated by water from any source. See "Flood or flooding."

Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Also referred to as "Regulatory Floodway."

Hazardous material: Any of the following:

- (a) Hazardous waste as defined in ORS 466.005;
- (b) Radioactive waste as defined in ORS 469.300, radioactive material identified by the Energy Facility Siting Council under ORS 469.605 and radioactive substances defined in ORS 453.005
- (c) Communicable disease agents as regulated by the Health Division under ORS Chapter 431 and 433.010 to 433.045 and 433.106 to 433.990;

EXHIBIT A

- (d) Hazardous substances designated by the United States Environmental Protection Agency (EPA) under section 311 of the Federal Water Pollution Control Act, P.L. 92-500, as amended;
- (e) Substances listed by the United States EPA in section 40 of the Code of Federal Regulations, Part 302 – Table 302.4 (list of Hazardous Substances and Reportable Quantities) and amendments;
- (f) Material regulated as a Chemical Agent under ORS 465.550;
- (g) Material used as a weapon of mass destruction, or biological weapon;
- (h) Pesticide residue;
- (i) Dry cleaning solvent as defined by ORS 465.200(9);
- (j) Any other substances or materials designated as hazardous by the federal or state law, rule, regulation or order.

Highest adjacent grade: The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic structure: Any structure that is:

- (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (c) Individually listed on the state inventory of historic places; or
- (d) Individually listed on the local inventory of historic places.

Letter of Map Change (LOMC): Means an official FEMA determination, by letter, to amend or revise effective Flood Insurance Rate Maps and Flood Insurance Studies. The following are categories of LOMCs:

- (a) **Conditional Letter of Map Amendment (CLOMA):** A CLOMA is FEMA's comment on a proposed structure or group of structures that would, upon construction, be located on existing natural ground above the base (1-percent-annual-chance) flood elevation on a portion of a legally defined parcel of land that is partially inundated by the base flood.
- (b) **Conditional Letter of Map Revision (CLOMR):** A CLOMR is FEMA's comment on a proposed project that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations, or the special flood hazard area.
- (c) **Conditional Letter of Map Revision based on Fill (CLOMR-F):** A CLOMR-F is FEMA's comment on a proposed project that would, upon construction, result in a modification

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of the special flood hazard area through the placement of fill outside the existing regulatory floodway.

- (d) **Letter of Map Amendment (LOMA)**: An official amendment, by letter, to the Flood Insurance Rate Maps (FIRMs) based on technical data showing that an existing structure, parcel of land or portion of a parcel of land that is naturally high ground, (i.e., has not been elevated by fill) above the base flood, that was inadvertently included in the special flood hazard area.
- (e) **Letter of Map Revision (LOMR)**: A LOMR is FEMA's modification to an effective Flood Insurance Rate Map (FIRM), or Flood Boundary and Floodway Map (FBFM), or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations, or the SFHA. The LOMR officially revises the FIRM or FBFM, and sometimes the Flood Insurance Study (FIS) report, and, when appropriate, includes a description of the modifications. The LOMR is generally accompanied by an annotated copy of the affected portions of the FIRM, FBFM, or FIS report.
- (f) **Letter of Map Revision based on Fill (LOMR-F)**: A LOMR-F is FEMA's modification of the special flood hazard area shown on the Flood Insurance Rate Map (FIRM) based on the placement of fill outside the existing regulatory floodway.
- (g) **PMR**: A PMR is FEMA's physical revision and republication of an effective Flood Insurance Rate Map (FIRM) or Flood Insurance Study (FIS) report. PMRs are generally based on physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations, or the special flood hazard area.

Lowest floor: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this code.

Manufactured dwelling: A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured dwelling" does not include a "recreational vehicle" and is synonymous with "manufactured home".

Manufactured dwelling park or subdivision: A parcel or contiguous parcels of land divided into two or more manufactured dwelling lots for rent or sale.

Mean sea level: For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which Base Flood Elevations shown on the city's Flood Insurance Rate Map are referenced.

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New construction: For floodplain management purposes, “new construction” means structures for which the “start of construction” commenced on or after the effective date of a floodplain management regulation adopted by the city and includes any subsequent improvements to such structures.

Recreational vehicle: A vehicle which is:

- (a) Built on a single chassis;
- (b) 400 square feet or less when measured at the largest horizontal projection;
- (c) Designed to be self-propelled or permanently towable by a light duty truck; and
- (d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Special flood hazard area: See “Area of special flood hazard.”

Start of construction: Includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured dwelling on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure: For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured dwelling.

Substantial damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement: Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market

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value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

- (a) A project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- (b) Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

Variance: A grant of relief by the City of Dallas from the terms of a flood plain management regulation.

Violation: The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this code is presumed to be in violation until such time as that documentation is provided.

2.7.050 GENERAL PROVISIONS

2.7.060 Applicability

This code shall apply to all special flood hazard areas within the jurisdiction of the city.

2.7.070 Basis for Establishing the Special Flood Hazard Areas

The special flood hazard areas identified by the Federal Insurance Administrator in a scientific and engineering report entitled "The Flood Insurance Study (FIS) for Polk County, Oregon, and Incorporated Areas, Study number 41053CV000A, Community Number 410187 December 19, 2006, with accompanying Flood Insurance Rate Maps (FIRMs) 41053C0236F, 41053C0237F, 41053C0238F, 41053C0239F, 41053C0241F, 41053C0242F, and 41053C0250F, are hereby adopted by reference and declared to be a part of this code. The FIS and FIRM panels shall be kept on file at the Public Works Department located in Dallas City Hall.

2.7.080 Coordination with State of Oregon Specialty Codes

Pursuant to the requirement established in ORS 455 that the city administers and enforces the State of Oregon Specialty Codes, the city acknowledges that the Oregon Specialty Codes

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contain certain provisions that apply to the design and construction of buildings and structures located in special flood hazard areas. Therefore, this code is intended to be administered and enforced in conjunction with the Oregon Specialty Codes.

2.7.090 Compliance and Penalties for Noncompliance

A. Compliance

All development within special flood hazard areas is subject to the terms of this code and required to comply with its provisions and all other applicable regulations.

B. Penalties for Noncompliance

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this code and other applicable regulations. Violations of the provisions of this code by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a civil infraction, punishable by a fine not to exceed \$500, pursuant to Dallas City Code Section 1.075. Each day that a violation continues shall constitute a separate offense. Nothing contained herein shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation.

2.7.100 Abrogation & Severability

A. Abrogation

This code is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this code and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

B. Severability

This code and the various parts thereof are hereby declared to be severable. If any section clause, sentence, or phrase of the code is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this code.

2.7.110 Interpretation

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In the interpretation and application of this code, all provisions shall be:

- A. Considered as minimum requirements;
- B. Liberally construed in favor of the city; and
- C. Deemed neither to limit nor repeal any other powers granted under state statutes.

2.7.120 Warning and Disclaimer of Liability

A. Warning

The degree of flood protection required by this code is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This code does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages.

B. Disclaimer of Liability

This code shall not be deemed to create liability on the part of the city, any officer or employee thereof, or the Federal Insurance Administrator for any flood damages that result from reliance on this code or any administrative decision lawfully made hereunder.

2.7.130 ADMINISTRATION

2.7.140 Designation of the Floodplain Administrator

The Public Works Director or designee is hereby appointed to administer, implement, and enforce this code by granting or denying development permits in accordance with its provisions. The Floodplain Administrator may delegate authority to implement these provisions.

2.7.150 Duties and Responsibilities of the Floodplain Administrator

Duties of the floodplain administrator, or their designee, shall include, but not be limited to:

A. Permit Review

The Floodplain Administrator shall review all development permits to determine:

1. That the permit requirements of this code have been satisfied.

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2. All other required local, state, and federal permits have been obtained and approved.
3. That the proposed development is located in a floodway. If located in the floodway, assure that the floodway provisions of this code in section 2.7.200(D) are met.
4. Whether the proposed development is located in an area where Base Flood Elevation (BFE) data is available either through the Flood Insurance Study (FIS) or from another authoritative source. If BFE data is not available then ensure compliance with the provisions of sections 2.7.190(G).
5. That the Base Flood Elevation (BFE), and any additional elevation requirements, applicable to any building requiring a development permit has been complied with.
6. Whether the proposed development qualifies as a substantial improvement as defined in section 2.7.040.
7. Whether the proposed development activity is a watercourse alteration. If a watercourse alteration is proposed, compliance with the provisions in section 2.7.190(A) must be ensured.
8. Whether the proposed development activity includes the placement of fill or excavation.

B. Information to be Obtained and Maintained

The following information shall be obtained and maintained and shall be made available for public inspection as needed or as required by law:

1. The actual elevation (in relation to mean sea level) of the lowest floor (including basements) and all attendant utilities of all new or substantially improved structures where Base Flood Elevation (BFE) data is provided through the Flood Insurance Study (FIS), Flood Insurance Rate Map (FIRM), or obtained in accordance with section 2.7.190(G).
2. The elevation (in relation to mean sea level) of the natural grade of the building site for a structure prior to the start of construction. If the development requires the placement of any fill, the requirements of sections 2.7.200(D), and 2.7.150(A)(2) must be met.
3. Upon placement of the lowest floor of a structure (including basement) but prior to further vertical construction, documentation, prepared and sealed by a professional licensed surveyor or engineer, certifying the elevation (in relation to mean sea level) of the lowest floor (including basement).
4. Where base flood elevation data are utilized, as-built certification of the elevation (in relation to mean sea level) of the lowest floor (including basement) prepared and sealed by a professional licensed surveyor or engineer, prior to the final inspection.
5. All Elevation Certificates (EC) submitted to the city;
6. The elevation (in relation to mean sea level) to which the structure and all

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attendant utilities were floodproofed for all new or substantially improved floodproofed structures where allowed under this code and where Base Flood Elevation (BFE) data is provided through the FIS, FIRM, or obtained in accordance with section 2.7.190(G).

7. All floodproofing certificates required under this code;
8. All variance actions, including justification for their issuance;
9. All hydrologic and hydraulic analyses performed as required under section 2.7.200(D).
10. All Substantial Improvement and Substantial Damage calculations and determinations as required under section 2.7.150(D).
11. All records pertaining to the provisions of this code.

C. Requirement to Notify Other Entities and Submit New Technical Data

1. City Boundary Alterations

The Floodplain Administrator shall notify the Federal Insurance Administrator in writing whenever the boundaries of the city have been modified by annexation or the city has otherwise assumed authority or no longer has authority to adopt and enforce floodplain management regulations for a particular area, to ensure that all Flood Hazard Boundary Maps (FHBM) and Flood Insurance Rate Maps (FIRM) accurately represent the city's boundaries. Include within such notification a copy of a map suitable for reproduction, clearly delineating the new corporate limits or new area for which the city has assumed or relinquished floodplain management regulatory authority.

2. Watercourse Alterations

The Floodplain Administrator shall notify affected adjacent communities, the Department of Land Conservation and Development, and other appropriate state and federal agencies, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration. This notification shall be provided by the applicant to the Federal Insurance Administration as a Letter of Map Revision (LOMR) along with either:

- a. A proposed maintenance plan to assure the flood carrying capacity within the altered or relocated portion of the watercourse is maintained; or
- b. Certification by a registered professional engineer that the project has been designed to retain its flood carrying capacity without periodic maintenance.

The applicant shall be required to submit a Conditional Letter of Map Revision (CLOMR) when required under section 2.7.150(C)(3). Ensure compliance with

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all applicable requirements in sections 2.7.150(C)(3) and 2.7.190(A).

3. Requirement to Submit New Technical Data

A community's base flood elevations may increase or decrease, as soon as practicable, but not later than six months after the date such information becomes available, the Floodplain Administrator shall notify the Federal Insurance Administrator of the changes by submitting technical or scientific data in accordance with Title 44 of the Code of Federal Regulations (CFR), Section 65.3. The city may require the applicant to submit such data and review fees required for compliance with this section through the applicable FEMA Letter of Map Change (LOMC) process.

The Floodplain Administrator shall require a Conditional Letter of Map Revision prior to the issuance of a floodplain development permit for:

- a. Proposed floodway encroachments that increase the base flood elevation; and
- b. Proposed development which increases the base flood elevation by more than one foot in areas where FEMA has provided base flood elevations but no floodway.

An applicant shall notify FEMA within six (6) months of project completion when an applicant has obtained a Conditional Letter of Map Revision (CLOMR) from FEMA. This notification to FEMA shall be provided as a Letter of Map Revision (LOMR).

The applicant shall be responsible for preparing all technical data to support CLOMR/LOMR applications and paying any processing or application fees associated with the CLOMR/LOMR.

The Floodplain Administrator shall be under no obligation to sign the Community Acknowledgement Form, which is part of the CLOMR/LOMR application, until the applicant demonstrates that the project will or has met the requirements of this code and all applicable state and federal permits.

D. Substantial Improvement and Substantial Damage Assessments and Determinations

Conduct Substantial Improvement (SI) (as defined in section 2.7.040) reviews for all structural development proposal applications and maintain a record of SI calculations within permit files in accordance with section 2.7.150(B). Conduct Substantial Damage (SD) (as defined in section 2.7.040) assessments when structures are damaged due to a natural hazard event or other causes. Make SD determinations whenever structures within the special flood hazard area (as established in section 2.7.070) are damaged to

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the extent that the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

2.7.160 Establishment of Development Permit

A. Floodplain Development Permit Required

A floodplain development permit must be obtained before construction or development begins within any area horizontally within the special flood hazard area established in section 2.7.070. The development permit shall be required for all structures, including manufactured dwellings, and for all other development, as defined in section 2.7.040, including fill and other development activities.

B. Application for Development Permit

Application for a development permit may be made on forms furnished by the city and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information shall be required:

1. In riverine flood zones, the proposed elevation (in relation to mean sea level), of the lowest floor (including basement) and all attendant utilities of all new and substantially improved structures; in accordance with the requirements of section 2.7.150(B).
2. Proposed elevation in relation to mean sea level to which any non-residential structure will be floodproofed.
3. Certification by a registered professional engineer or architect licensed in the State of Oregon that the floodproofing methods proposed for any non-residential structure meet the floodproofing criteria for non-residential structures in section 2.7.200(C)(3).
4. Description of the extent to which any watercourse will be altered or relocated.
5. Base Flood Elevation data for subdivision proposals or other development when required per sections 2.7.150(A) and 2.7.190(F).
6. Substantial improvement calculation for any improvement, addition, reconstruction, renovation, or rehabilitation of an existing structure.
7. The amount and location of any fill or excavation activities proposed.

2.7.170 Variance Procedure

The issuance of a variance under this section is for floodplain management purposes only.

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Flood insurance premium rates are determined by federal statute according to actuarial risk and will not be modified by granting a variance.

A. Conditions for Variances

1. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, in conformance with the provisions of sections 2.7.170(A)(3) and (5), and 2.7.170(B). As the lot size increases beyond one-half acre, the technical justification required for issuing a variance increases.
2. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
3. Variances shall not be issued within any floodway if any increase in flood levels during the base flood discharge would result.
4. Variances shall only be issued upon:
 - a. A showing of good and sufficient cause;
 - b. A determination that failure to grant the variance would result in exceptional hardship to the applicant;
 - c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing laws or ordinances.
5. Variances may be issued for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that the criteria of section 2.7.170(2)-(4) are met, and the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

B. Variance Notification

Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the Base Flood Elevation will result in increased premium rates for flood insurance and that such construction below the base flood elevation increases risks to life and property. Such notification and a record of all variance actions, including justification for their issuance shall be maintained in accordance with section 2.7.150(B).

2.7.180 PROVISIONS FOR FLOOD HAZARD REDUCTION

2.7.190 General Standards

In all special flood hazard areas, the following standards shall be adhered to:

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A. Alteration of Watercourses

1. The flood carrying capacity within the altered or relocated portion of a watercourse must be maintained. Maintenance must be provided within the altered or relocated portion of a watercourse to ensure that the flood carrying capacity is not diminished. Any alteration of a watercourse shall require compliance with sections 2.7.150(C)(2) and 2.7.150(C)(3).

B. Anchoring

1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
2. All manufactured dwellings shall be anchored per section 2.7.200(C)(4).

C. Construction Materials and Methods

1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

D. Utilities and Equipment

1. Water Supply, Sanitary Sewer, and On-site Waste Disposal Systems
 - a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
 - b. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.
 - c. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding consistent with the Oregon Department of Environmental Quality.
2. Electrical, Mechanical, Plumbing, and Other Equipment
Electrical, heating, ventilating, air-conditioning, plumbing, duct systems, and other equipment and service facilities shall be elevated at or above the base flood elevation or shall be designed and installed to prevent water from entering or accumulating within the components and to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during conditions of flooding. In addition, electrical, heating, ventilating, air- conditioning, plumbing, duct systems, and other equipment and service facilities shall, if

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replaced as part of a substantial improvement meet all the requirements of this section.

E. Tanks

1. Underground tanks shall be anchored to prevent flotation, collapse and lateral movement under conditions of the base flood.
2. Above-ground tanks shall be installed one foot or more above the base flood level or shall be anchored to prevent flotation, collapse, and lateral movement under conditions of the base flood.

F. Subdivision Proposals & Other Proposed Developments

1. All new subdivision proposals and other proposed new developments (including proposals for manufactured dwelling parks and subdivisions) greater than 50 lots or 5 acres, whichever is less, shall include within such proposals, Base Flood Elevation data.
2. All new subdivision proposals and other proposed new developments (including proposals for manufactured dwelling parks and subdivisions) shall:
 - a. Be consistent with the need to minimize flood damage.
 - b. Have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage.
 - c. Have adequate drainage provided to reduce exposure to flood hazards.

G. Use of Other Base Flood Elevation Data

When Base Flood Elevation data has not been provided in accordance with section 2.7.070, the Floodplain Administrator shall obtain, review, and reasonably utilize any Base Flood Elevation data available from a federal, state, or other source, in order to administer section 2.7.180. All new subdivision proposals and other proposed new developments (including proposals for manufactured dwelling parks and subdivisions) must meet the requirements of section 2.7.190(F).

Base Flood Elevations shall be determined for development proposals that are 5 acres or more in size or are 50 lots or more, whichever is lesser in any A zone that does not have an established base flood elevation. Development proposals located within a riverine unnumbered A Zone shall be reasonably safe from flooding; the test of reasonableness includes use of historical data, high water marks, FEMA provided Base Level Engineering data, and photographs of past flooding, and other relevant evidence where available. At a minimum, the elevation of residential structures and non-residential structures that are not dry floodproofed must be at least two feet above the highest adjacent grade.

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Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.

H. Structures Located in Multiple or Partial Flood Zones

In coordination with the Oregon Specialty Codes:

1. When a structure is located in multiple flood zones on the city's Flood Insurance Rate Maps (FIRM) the provisions for the more restrictive flood zone shall apply.
2. When a structure is partially located in a special flood hazard area, the entire structure shall meet the requirements for new construction and substantial improvements.

I. Critical Facilities

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the special flood hazard area. Construction of new critical facilities shall be permissible within the SFHA only if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated three (3) feet above the Base Flood Elevation (BFE) or to the height of the 500-year flood, whichever is higher. Access to and from the critical facility shall also be protected to the height utilized above. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters.

J. Maintaining Flood Storage Capacity

1. Development within the special flood hazard area shall result in no net loss in flood storage capacity. No net loss may be documented by demonstrating that the volume of material the development adds to the special flood hazard area below the BFE is less than or equal to the volume of material removed. No net loss may also be documented by hydraulic analysis certified by a registered professional engineer, subject to a Type II review per section 4.1.030.

2.7.200 Specific Standards for Riverine Flood Zones

These specific standards shall apply to all new construction and substantial improvements in addition to the General Standards contained in section 2.7.190 of this code.

A. Flood Openings

All new construction and substantial improvements with fully enclosed areas below the lowest floor (excluding basements) are subject to the following requirements. Enclosed areas below the Base Flood Elevation, including crawl spaces shall:

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1. Be designed to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters;
2. Be used solely for parking, storage, or building access;
3. Be certified by a registered professional engineer or architect or meet or exceed all of the following minimum criteria:
 - a. A minimum of two openings,
 - b. The total net area of non-engineered openings shall be not less than one (1) square inch for each square foot of enclosed area, where the enclosed area is measured on the exterior of the enclosure walls,
 - c. The bottom of all openings shall be no higher than one foot above grade.
 - d. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they shall allow the automatic flow of floodwater into and out of the enclosed areas and shall be accounted for in the determination of the net open area.
 - e. All additional higher standards for flood openings in the Oregon Residential Specialty Codes Section R322.2.2 shall be complied with when applicable.

B. Garages

1. Attached garages may be constructed with the garage floor slab below the Base Flood Elevation (BFE) in riverine flood zones, if the following requirements are met:
 - a. If located within a floodway the proposed garage must comply with the requirements of section 2.7.200(D).
 - b. The floors must be at or above grade on not less than one side;
 - c. The garage must be used solely for parking, building access, and/or storage;
 - d. The garage must be constructed with flood openings in compliance with section 2.7.200(A) to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater.
 - e. The portions of the garage constructed below the BFE must be constructed with materials resistant to flood damage;
 - f. The garage must be constructed in compliance with the standards in section 2.7.190; and
 - g. The garage must be constructed with electrical, and other service facilities located and installed so as to prevent water from entering or accumulating within the components during conditions of the base flood.
2. Detached garages must be constructed in compliance with the standards for appurtenant structures in section 2.7.200(C)(6) or non-residential structures in section 2.7.200(C)(3) depending on the square footage of the garage.

C. For Riverine Special Flood Hazard Areas with Base Flood Elevations

In addition to the general standards listed in section 2.7.190 the following specific standards shall apply in Riverine special flood hazard areas with Base Flood Elevations (BFE): Zones A1-

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A30, AH, and AE.

1. Before Regulatory Floodway
In areas where a regulatory floodway has not been designated, no new construction, substantial improvement, or other development (including fill) shall be permitted within Zones A1-30 and AE on the city's Flood Insurance Rate Map (FIRM), unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.
2. Residential Construction
 - a. New construction, conversion to, and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated at or above a minimum of one foot above the Base Flood Elevation (BFE).
 - b. Enclosed areas below the lowest floor shall comply with the flood opening requirements in section 2.7.200(A).
3. Non-residential Construction
 - a. New construction, conversion to, and substantial improvement of any commercial, industrial, or other non-residential structure shall:
 - i. Have the lowest floor, including basement elevated to one (1) foot or more above the Base Flood Elevation (BFE).

Or, together with attendant utility and sanitary facilities:

- II. Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
 - III. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
 - IV. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this section based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the Floodplain Administrator as set forth section 2.7.150(B).
- b. Non-residential structures that are elevated, not floodproofed, shall comply with the standards for enclosed areas below the lowest floor in section 2.7.200 (A).
 - c. Applicant's floodproofing non-residential buildings shall be notified that flood insurance premiums will be based on rates that are one (1) foot below the floodproofed level . For this purpose, a building floodproofed to the base

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flood level will be rated as one (1) foot below.

4. **Manufactured Dwellings**
 - a. Manufactured dwellings to be placed (new or replacement) or substantially improved that are supported on solid foundation walls shall be constructed with flood openings that comply with section 2.7.200(A);
 - b. The bottom of the longitudinal chassis frame beam shall be at or above Base Flood Elevation;
 - c. Manufactured dwellings to be placed (new or replacement) or substantially improved shall be anchored to prevent flotation, collapse, and lateral movement during the base flood. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques), and;
 - d. Electrical crossover connections shall be a minimum of twelve (12) inches above Base Flood Elevation.

5. **Recreational Vehicles**

Recreational vehicles placed on sites are required to:

 - a. Be on the site for fewer than 180 consecutive days, and
 - b. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
 - c. Meet the requirements of section 2.7.200(C)(4), including the anchoring and elevation requirements for manufactured dwellings.

6. **Appurtenant (Accessory) Structures**

Relief from elevation or floodproofing requirements for residential and non-residential structures in Riverine flood zones may be granted for appurtenant structures that meet the following requirements:

 - a. Appurtenant structures located partially or entirely within the floodway must comply with requirements for development within a floodway found in section 2.7.200(D).
 - b. Appurtenant structures must only be used for parking, access, and/or storage and shall not be used for human habitation;
 - c. In compliance with Oregon Specialty Codes, appurtenant structures on properties that are zoned residential are limited to one- story structures less than 200 square feet, or 400 square feet if the property is greater than two (2) acres in area and the proposed appurtenant structure will be located a minimum of 20 feet from all property lines. Appurtenant structures on properties that are zoned as non-residential are limited in size to 120 square feet.

EXHIBIT A

- d. The portions of the appurtenant structure located below the Base Flood Elevation must be built using flood resistant materials;
- e. The appurtenant structure must be adequately anchored to prevent flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the base flood.
- f. The appurtenant structure must be designed and constructed to equalize hydrostatic flood forces on exterior walls and comply with the requirements for flood openings in section 2.7.200(A);
- g. Appurtenant structures shall be located and constructed to have low damage potential;
- h. Appurtenant structures shall not be used to store toxic material, oil, or gasoline, or any priority persistent pollutant identified by the Oregon Department of Environmental Quality unless confined in a tank installed in compliance with section 2.7.190(E).
- i. Appurtenant structures shall be constructed with electrical, mechanical, and other service facilities located and installed so as to prevent water from entering or accumulating within the components during conditions of the base flood.

D. Floodways

Located within the special flood hazard areas established in section 2.7.070 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of the floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

1. Encroachments, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway are prohibited unless:
 - a. Certification by a registered professional civil engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment shall not result in any increase in flood levels within the community during the occurrence of the base flood discharge; or
 - b. A community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that a Conditional Letter of Map Revision (CLOMR) is applied for and approved by the Federal Insurance Administrator, and the requirements for such revision as established under Volume 44 of the Code of Federal Regulations, section 65.12 are fulfilled.
2. If the requirements of section 2.7.200(D)(1) are satisfied, all new construction,

EXHIBIT A

substantial improvements, and other development shall comply with all other applicable flood hazard reduction provisions of section 2.7.180.

E. Standards for Shallow Flooding Areas

Shallow flooding areas appear on FIRMs as AO zones with depth designations or as AH zones with Base Flood Elevations. For AO zones the base flood depths range from one (1) to three (3) feet above ground where a clearly defined channel does not exist, or where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is usually characterized as sheet flow. For both AO and AH zones, adequate drainage paths are required around structures on slopes to guide floodwaters around and away from proposed structures.

1. Standards for AH Zones

Development within AH Zones must comply with the standards in sections 2.7.190, 2.7.200, and 2.7.200(E).

2. Standards for AO Zones

In AO zones, the following provisions apply in addition to the requirements in sections 2.7.190 and 2.7.200(E):

- a. New construction, conversion to, and substantial improvement of residential structures and manufactured dwellings within AO zones shall have the lowest floor, including basement, elevated above the highest grade adjacent to the building, a minimum of two feet above the depth number specified on the Flood Insurance Rate Maps (FIRM). For manufactured dwellings the lowest floor is considered to be the bottom of the longitudinal chassis frame beam.
- b. New construction, conversion to, and substantial improvements of non-residential structures within AO zones shall either:
 - I. Have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, a minimum of two feet above the depth number specified on the Flood Insurance Rate Maps (FIRMS); or
 - II. Together with attendant utility and sanitary facilities, be completely floodproofed to or above the depth number specified on the FIRM or a minimum of two (2) feet above the highest adjacent grade if no depth number is specified, so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer or architect as stated in section 2.7.200(C)(3)(a)(III).
- c. Recreational vehicles placed on sites within AO Zones on the city's Flood Insurance Rate Maps (FIRM) shall either:

EXHIBIT A

- I. Be on the site for fewer than 180 consecutive days, and
 - II. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
 - III. Meet the elevation requirements of section 2.7.200(E)(2)(a), and the anchoring and other requirements for manufactured dwellings of section 2.7.200(C)(4).
- d. In AO zones, new and substantially improved appurtenant structures must comply with the standards in section 2.7.200(C)(6).
 - e. In AO zones, enclosed areas beneath elevated structures shall comply with the requirements in section 2.7.200(A).

ORDINANCE NO. 1865

An Ordinance amending Sections 2.3.030 and 6.1.030 of the Dallas Development Code, relating to Development Standards for buildings in the Central Business District.

WHEREAS, the Dallas Planning Commission considered amendments to the Dallas Development Code relating to the Type I application referral process; and

WHEREAS, the City duly notified the Oregon Department of Land Conservation and Development of the proposed Development Code amendments not less than 35 days prior to the first evidentiary hearing and the Department did not object to the proposed changes; and

WHEREAS, the Dallas Planning Commission held a public hearing on said amendments, on November 9, 2021, at which time the public was given full opportunity to be present and heard on the matter; and

WHEREAS, the Dallas City Council held a public hearing on said amendments on December 6, 2021, at which time the public was given full opportunity to be present and heard on the matter; and

WHEREAS, the City Council found and hereby finds that the proposed amendments to Sections 2.3.030 and 6.1.030 of the Dallas Development Code, relating to Development Standards for buildings in the Central Business District, as set forth in the Legislative Amendment attached hereto as Attachment B, and by reference incorporated herein, are in the public interest to approve; NOW, THEREFORE,

THE CITY OF DALLAS DOES ORDAIN AS FOLLOWS:

Section 1. The Legislative Amendment attached hereto as Exhibit A, amending Sections 2.3.030 and 6.1.030 of the Dallas Development Code is hereby adopted and approved.

Section 2. The Staff Report of City Manager Brian Latta dated December 6, 2021, inclusive of the exhibits attached thereto, all of which are in the record of the proceeding, is hereby adopted as the findings and conclusions of the City Council in support of the adoption of said Legislative Amendment, and the text amendments to the Dallas Development Code, as set forth herein.

Read for the first time: January 3, 2022

Read for the second time: January 18, 2022

Adopted by the City Council: January 18, 2022

Approved by the Mayor: January 18, 2022

BRIAN W. DALTON, MAYOR

ATTEST:

APPROVED AS TO FORM:

BRIAN LATTA,
CITY MANAGER

LANE P. SHETTERLY,
CITY ATTORNEY

EXHIBIT A

Proposed Revision to Central Business District Height Requirement

Key:

- P* = Permitted, subject to site/development review
- S* = Permitted with standards (Section 2.3.030)
- CU* = CU permit required (Chapter 4.3)
- N* = Not permitted

2.3.030 Development Standards

The development standards in Table 2.3.030 apply to all new structures, buildings, and development, and major remodels, in the Commercial Districts.

Table 2.3.030 – Development Standards for Commercial Districts				
<i>Standard</i>	CBD	CG	CN	<i>[Reserved]</i>
Minimum Lot Area* (square feet) *Development must conform to lot width, depth, yard setback, landscaping, and coverage standards.	5,000 sf minimum			
Minimum Lot Width/Depth	20 ft			
<i>Building/Structure Height</i>				
Minimum Building Height for new buildings located within the Downtown Pedestrian Core Area (see Section 6.1.030 – Definitions for a map of the Downtown Pedestrian Core Area)	2 stories, or 22 ft.	N/A	N/A	
Maximum Building Height	5 Stories, or 64 ft	3, or Stories 40 ft	3, or Stories 40 ft	
Maximum Building Height for mixed-use projects (residential above commercial) See Section 2.3.070B	8 Stories, or 100 ft	5, or Stories 64 ft	NA	
<i>Fences and Screening Walls</i> See also, Sections 3.1.020N, Vision Clearance; and 3.2.050, Fences and Walls	Allowed for screening and security only. Some fences and walls may be subject to Site Design Review when they exceed the height standards that are prescribed in Section 3.2.050.			

EXHIBIT A

<p>Lot Coverage/Impervious Surface: Max. Lot Coverage by All Impervious Surfaces (Building Foundation, Pavement, etc.) subject to civic space, landscaping, parking, and other code requirements, as applicable</p>	90%	80%	80%	
<p>Min. Landscape Area Requirement (% site area), may include portion of required Civic Space, per Section 2.3.090. See also, Section 3.2.030C.</p>	5%	10%	10%	
<p>Minimum Setbacks (feet):</p>				
<p>Front, Street, Side, and Rear property lines</p>	<p>0 ft except as otherwise required for Civic Space, for future street improvement (per Transportation System Plan), for utilities or clear vision at street intersection, or as required by other applicable codes; and a minimum setback of 10 ft is required abutting a Residential District</p>			
<p>Garage Opening, setback from public right of way</p>	<p>10 ft (no parking/backing movement by vehicles)</p>			
<p>Alley Setback</p>	<p>7 ft</p>			
<p>Build-To Line (feet): New Buildings Only: At least one primary building entrance shall be built no farther from the street right-of-way than the build-to line; except where a greater setback is required for a Planned Street Improvement, then the build-to line increases proportionately. The build-to line may also be increased through Site Design Review when pedestrian amenities are provided between a primary building entrance and the street right-of-way. (See also, Section 2.3.090.)</p>	<p>0 ft; may be increased when civic space is provided between a primary building entrance and street</p>	<p>10 ft; may be increased in the following situations: Increase setback to provide Civic Space and pedestrian amenities between primary building entrance and street. Project abuts a Residential District and the increase is to provide a transition to abutting residential yards Commercial center has multiple buildings oriented to a shopping street, per Section 2.2.060.D</p>		

Section 6.1.030 – Definitions

Downtown Pedestrian Core Area – As indicated below in Figure 1 – Downtown Pedestrian Core Area, an area bound by Main Street on the west, SE Court Street on the south, SE Jefferson Street on the east and SE Mill Street on the north. The area includes buildings and lots on the west side of Main Street, the south side of SE Court Street, the east side of SE Jefferson Street and the north side of SE Mill Street that have frontage on the respective streets as well as those buildings and lots that are located diagonally from ordinal points of the defined area.

EXHIBIT A



Figure 1 – Downtown Pedestrian Core Area

ORDINANCE NO. 1866

An Ordinance amending Section 4.1.020 of the Dallas Development Code, relating to Type I application referrals.

WHEREAS, the Dallas Planning Commission considered amendments to the Dallas Development Code relating to the Type I application referral process; and

WHEREAS, the City duly notified the Oregon Department of Land Conservation and Development of the proposed Development Code amendments not less than 35 days prior to the first evidentiary hearing and the Department did not object to the proposed changes; and

WHEREAS, the Dallas Planning Commission held a public hearing on said amendments, on November 9, 2021, at which time the public was given full opportunity to be present and heard on the matter; and

WHEREAS, the Dallas City Council held a public hearing on said amendments on December 6, 2021, at which time the public was given full opportunity to be present and heard on the matter; and

WHEREAS, the City Council found and hereby finds that the proposed amendments to Section 4.1.020 of the Dallas Development Code relating to Type I application referrals, as set forth in the Legislative Amendment attached hereto as Attachment C, and by reference incorporated herein, are in the public interest to approve; NOW, THEREFORE,

THE CITY OF DALLAS DOES ORDAIN AS FOLLOWS:

Section 1. The Legislative Amendment attached hereto as Exhibit A, amending Section 4.2.020 of the Dallas Development Code is hereby adopted and approved.

Section 2. The Staff Report of City Manager Brian Latta dated December 6, 2021, inclusive of the exhibits attached thereto, all of which are in the record of the proceeding, is hereby adopted as the findings and conclusions of the City Council in support of the adoption of said Legislative Amendment, and the text amendments to the Dallas Development Code, as set forth herein.

Read for the first time: January 3, 2022

Read for the second time: January 18, 2022

Adopted by the City Council: January 18, 2022

Approved by the Mayor: January 18, 2022

BRIAN W. DALTON, MAYOR

ATTEST:

APPROVED AS TO FORM:

BRIAN LATTA,
CITY MANAGER

LANE P. SHETTERLY,
CITY ATTORNEY

EXHIBIT A

4.1.020 Type I Procedure (Administrative)

A. Application Requirements.

1. Application Forms. Type I applications shall be made on forms provided by the City Planning Official.

2. Application Requirements. Type I applications shall:

- a. Include the information requested on the application form;
- b. Address the criteria in sufficient detail for review and action; and
- c. Be filed with the required fee.

B. Administrative Decision Requirements. The City Planning Official's decision shall be based on the applicable approval criteria, including applicable requirements of any road authority. Based on the criteria and the facts contained in the application, the City Planning Official shall approve or deny the requested permit or action, unless the Planning Official refers the application to the Planning Commission, as provided in subsection D. A written record of the decision (e.g., letter or permit stamped as approved) shall be provided to the applicant and kept on file at City Hall.


C. Final Decision. Except as provided in subsection D, a Type I decision is the final decision of the City. It cannot be appealed to City officials. If the decision is contested by the applicant or other aggrieved party, it is not appealable as a land use decision but may be referred to the City Council as a separate Code Interpretation request, as provided under Chapter 4.8; in which case all required forms and fees shall be filed in accordance with Chapter 4.8.

D. Referral to Planning Commission. If a Type I application relates to the subject matter of a Type III application and the City Planning Official determines that it is necessary or convenient for the Type I application to be decided as part of or simultaneously with the related Type III application, the Planning Official may refer the Type I application to the Planning Commission for review in a public hearing, in which case the public shall be notified of the hearing and the review shall proceed following the Type III procedures in Section 4.1.040.

E. Effective Date. Except for Type I applications that are referred to the Planning Commission under subsection D., above, a Type I decision is final on the date it is made.



CITY OF DALLAS CITY COUNCIL STAFF REPORT

MEETING DATE: January 3, 2022
AGENDA ITEM NO. 9d
TOPIC: Second Reading of Ordinance No. 1863 related to board term dates
PREPARED BY: Emily Gagner
APPROVED BY:  City Manager
ATTACHMENTS: A – Special Ordinance No. 1863

RECOMMENDED ACTION:

Adopt Ordinance No. 1863.

BACKGROUND:

For reasons unknown to current staff, some advisory committee terms end in December and others end in June. This unnecessarily complicates the tracking of these appointments. To simplify the process, staff recommends establishing uniform beginning and end dates for member terms for all boards and commissions.

Since the beginning and end dates are not codified for our advisory commissions and boards, uniform term dates could be established with a special ordinance, which is attached to this staff report (**Attachment A**). The Public Administration Committee unanimously recommended the Council approve this resolution at their November 22, 2021 meeting.

SUMMARY TIMELINE:

November 22, 2021 – Public Administration Committee considers a proposed special ordinance
December 6, 2021 – Ordinance passes its first reading
January 3, 2022 – Council adopts special ordinance

FISCAL IMPACT:

NA

RECOMMENDED MOTION:

NA – Ordinances are adopted via roll call vote

SPECIAL ORDINANCE NO. 1863

An Ordinance establishing uniform commencement and ending dates for terms for members of boards and commissions.

WHEREAS, the following Dallas City Code sections establish four-year terms for members of the following City boards and commissions: Section 2.415 (Planning Commission), 2.510 (Public Library Board), 2.550 (Parks Advisory Board) and 2.905 (Economic Development Commission); and

WHEREAS, the Dallas City Council desires to establish uniform ending dates for the terms of members of the foregoing boards and commissions;

NOW, THEREFORE, THE CITY OF DALLAS DOES ORDAIN AS FOLLOWS:

Section 1. Notwithstanding the provisions of Dallas City Code sections 2.415, 2.510, 2.550 and 2.905, the terms of the current members of the Planning Commission, Public Library Board, Parks Advisory Board and Economic Development Commission, serving as of the effective date of this ordinance, which would otherwise end on a date other than December 31, shall be extended from the date their current terms would otherwise end to the next following December 31. Thereafter, the commencement date of all regular four-year terms for all members of the foregoing boards and commissions shall be January 1 and the ending date of all regular terms shall be December 31.

Read for the first time: 12/6/2021
Read for the second time: 1/3/2021
Adopted by the City Council:
Approved by the Mayor:

BRIAN W. DALTON, MAYOR

ATTEST:

APPROVED AS TO FORM:

BRIAN LATTA,
CITY MANAGER

LANE P. SHETTERLY, CITY
ATTORNEY